

THURSDAY, MAY 13, 2010
EIGHTY-SEVENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Senator Yager.

PLEDGE OF ALLEGIANCE

Senator Yager led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2621 with amendment, 2835 with amendment, 2970 with amendment, 3431 with amendment, 3851 and 3873 with amendment; Senate Resolution No. 216; and Senate Joint Resolutions Nos. 931, 1061, 1073 and 1093.

MCNALLY, Chairperson
May 11, 2010

The Speaker announced that he had referred Senate Bills Nos. 2621 with amendment, 2835 with amendment, 2970 with amendment, 3431 with amendment, 3851 and 3873 with amendment; Senate Resolution No. 216; and Senate Joint Resolutions Nos. 931, 1061, 1073 and 1093 to the Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3198 with amendments; also, recommend that Senate Bill No. 274 with amendment be referred to Committee on Finance, Ways and Means.

KETRON, Chairperson
May 12, 2010

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The Speaker announced that he had referred Senate Bill No. 3198 with amendments to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 274 with amendment to the Committee on Finance, Ways and Means.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 131 with amendment, 2709, 3049 with amendment, 3174, 3415 with amendment, 3644 with amendment and 3687 with amendment.

MCNALLY, Chairperson
May 12, 2010

The Speaker announced that he had referred Senate Bills Nos. 131 with amendment, 2709, 3049 with amendment, 3174, 3415 with amendment, 3644 with amendment and 3687 with amendment to the Committee on Calendar.

MOTION

Senator Black moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 3956** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3956 by Senator Norris.

Ripley -- As introduced, subject to local approval by referendum, establishes the Ripley Energy Authority. Amends Chapter 128 of the Private Acts of 2006.

MOTION

Senator Black moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 209, 1967, 2187, 3136, 3191, 3380, 3438, 3598, 3601, 3788, 3935, 3995 and 3996** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 209 -- Education -- As introduced, requires graduating high school students to take a foreign language proficiency test that will provide diagnostic information to educators. Amends TCA Title 49, Chapter 6, Part 60.

House Bill No. 1967 -- Insurance Companies, Agents, Brokers, Policies -- As introduced, authorizes insured or other persons entitled to benefits under policy of insurance issued for coverage of health care rendered by certain providers to assign such benefits to healthcare provider, regardless of when the benefits were provided. Amends TCA Title 56.

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House Bill No. 2187 -- Tennessee Housing Development Agency -- As introduced, requires agency to develop and implement a system of county needs scores to, among other things, ensure that suburban communities have equal opportunity and awards similar to urban communities. Amends TCA Title 13, Chapter 23.

House Bill No. 3136 -- Food and Food Products -- As introduced, requires country of origin labeling of catfish and catfish products. Amends TCA Title 53.

House Bill No. 3191 -- Boards and Commissions -- As introduced, enacts the "Tennessee Appraisal Management Company Registration and Regulation Act". Amends TCA Title 62, Chapter 39.

House Bill No. 3380 -- Depositions -- As introduced, provides that an election to void a deposition because it was taken before a prohibited person must be made within one year of the date the violation occurred regardless of when the violation was discovered. Amends TCA Section 24-9-136.

House Bill No. 3438 -- Highway Signs -- As introduced, "Purple Heart Trail", State Route 33 in Hancock County.

House Bill No. 3598 -- Economic and Community Development -- As introduced, limits proximate but noncontiguous property added to a megasite to no more than 500 acres. Amends TCA Title 64, Chapter 6.

House Bill No. 3601 -- Public Funds and Financing -- As introduced, revises the composition of the state funding board and revises the definition of "state director of local finance" within present law regarding bonds and notes issued by local governments to mean the comptroller instead of the state director of local finance in the office of the comptroller. Amends TCA Title 9, Chapters 9 and 21.

House Bill No. 3788 -- Correctional Programs -- As introduced, includes operation of transitional facilities within meaning of "correctional services" for purposes of the Private Prison Contracting Act of 1986; defines "transitional facilities" as certain institutions where offenders who are close to release from prison are provided transitional services. Amends TCA Section 41-24-102.

House Bill No. 3935 -- Boards and Commissions -- As introduced, clarifies terms of West Tennessee Seismic Safety Commission. Amends TCA Title 58, Chapter 9, Part 1.

House Bill No. 3995 -- Henry County -- As introduced, subject to local approval, transfers probate court clerk responsibility from county clerk to clerk and master; transfers juvenile court clerk responsibility from county clerk to circuit court clerk. Amends Chapter 82 of the Private Acts of 1989.

House Bill No. 3996 -- Sullivan County -- As introduced, subject to local approval, authorizes possession, storage, use, manufacture, transport, and sale of fireworks in Sullivan County.

MOTION

Senator Black moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 1181 through 1198**; and **Senate Resolution No. 225** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 1181 by Senator Berke.

Memorials, Recognition -- Michael Reed, John F. Kennedy Profiles in Courage Essay Contest winner.

Senate Joint Resolution No. 1182 by Senator Herron.

Memorials, Heroism -- Bobby Qualls.

Senate Joint Resolution No. 1183 by Senator Herron.

Memorials, Heroism -- Steven Michael Zywicki, Sr.

Senate Joint Resolution No. 1184 by Senators Tate, Marrero, Harper, Ford, Kyle, Haynes,

Henry, Kelsey, Norris, Berke and Barnes.

Memorials, Death -- Benjamin Hooks.

Senate Joint Resolution No. 1185 by Senator Burchett.

Memorials, Death -- Andrew J. Kozar, Sr., Ph.D.

Senate Joint Resolution No. 1186 by Senator Woodson.

Memorials, Interns -- Maggie Hickman.

Senate Joint Resolution No. 1187 by Senator Woodson.

Memorials, Interns -- Chris Lamb.

Senate Joint Resolution No. 1188 by Senator Finney.

Memorials, Death -- Samuel David Bomar.

Senate Joint Resolution No. 1189 by Senator Bunch.

Memorials, Recognition -- Mary Frances Armstrong.

Senate Joint Resolution No. 1190 by Senator Bunch.

Memorials, Interns -- Savannah Lea Temple.

Senate Joint Resolution No. 1191 by Senator Burchett.

Memorials, Death -- George William Sampson.

Senate Joint Resolution No. 1192 by Senators Beavers and Jackson.

Memorials, Personal Occasion -- John Jay Hooker, 80th birthday.

Senate Joint Resolution No. 1193 by Senator Crowe.

Memorials, Recognition -- Dallas R. "Dal" Jones.

Senate Joint Resolution No. 1194 by Senator Harper.

Memorials, Public Service -- Cora Thompson Patton.

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Senate Joint Resolution No. 1195 by Senator Kyle.

Memorials, Academic Achievement -- Allison Leigh Connell, Salutatorian, St. Mary's Episcopal School.

Senate Joint Resolution No. 1196 by Senator Kyle.

Memorials, Academic Achievement -- Caroline Watkins McCool, Valedictorian, St. Mary's Episcopal School.

Senate Joint Resolution No. 1197 by Senator Burks.

Memorials, Interns -- Jonathan Frank.

Senate Joint Resolution No. 1198 by Senator Norris.

General Assembly, Recess & Reconvene -- Recesses Senate from close of business on May 13, 2010, until May 24, 2010, at 1:00 p.m.

Senate Resolution No. 225 by Senator Beavers.

Memorials, Personal Occasion -- John Jay Hooker, 80th birthday.

MOTION

Senator Black moved, pursuant to Rule 21, **House Joint Resolutions Nos. 796, 917, 959, 1224 through 1252, 1254 through 1256 and 1258 through 1270; Senate Joint Resolutions Nos. 1169 through 1180; and Senate Resolutions Nos. 223 and 224** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 796 -- Highway Signs -- "Pat Fergusson Memorial Highway", segment of State Route 141 in Troup County.

The Speaker announced that he had referred House Joint Resolution No. 796 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 917 -- Highway Signs -- "Elmer Eugene Byrum, Jr. Memorial Highway", segment of State Route 19 in Lauderdale County.

The Speaker announced that he had referred House Joint Resolution No. 917 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 959 -- General Assembly, Statement of Intent or Position -- Requires TBR and UT institutions to accommodate non-traditional students seeking to complete degrees by accepting completed coursework and credits to the extent consistent with the school's academic standards.

The Speaker announced that he had referred House Joint Resolution No. 959 to the Committee on Finance, Ways and Means.

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House Joint Resolution No. 1224 -- Memorials, Recognition -- Sullivan North High School Naval Junior Reserve Officers Training Corps unit.

The Speaker announced that he had referred House Joint Resolution No. 1224 to the Committee on Calendar.

House Joint Resolution No. 1225 -- Memorials, Retirement -- Jerry Clift.

The Speaker announced that he had referred House Joint Resolution No. 1225 to the Committee on Calendar.

House Joint Resolution No. 1226 -- Memorials, Recognition -- Meigs County-Decatur Chamber of Commerce.

The Speaker announced that he had referred House Joint Resolution No. 1226 to the Committee on Calendar.

House Joint Resolution No. 1227 -- Memorials, Interns -- Carey Smith.

The Speaker announced that he had referred House Joint Resolution No. 1227 to the Committee on Calendar.

House Joint Resolution No. 1228 -- Memorials, Interns -- Zak Kelley.

The Speaker announced that he had referred House Joint Resolution No. 1228 to the Committee on Calendar.

House Joint Resolution No. 1229 -- Memorials, Recognition -- Carl Smith.

The Speaker announced that he had referred House Joint Resolution No. 1229 to the Committee on Calendar.

House Joint Resolution No. 1230 -- Memorials, Recognition -- Kenny Chesney.

The Speaker announced that he had referred House Joint Resolution No. 1230 to the Committee on Calendar.

House Joint Resolution No. 1231 -- Memorials, Recognition -- Roy Acuff.

The Speaker announced that he had referred House Joint Resolution No. 1231 to the Committee on Calendar.

House Joint Resolution No. 1232 -- Memorials, Recognition -- Chet Atkins.

The Speaker announced that he had referred House Joint Resolution No. 1232 to the Committee on Calendar.

House Joint Resolution No. 1233 -- Memorials, Recognition -- Lois Johnson.

The Speaker announced that he had referred House Joint Resolution No. 1233 to the Committee on Calendar.

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House Joint Resolution No. 1234 -- Memorials, Interns -- Daveisha Shanelle Moore.

The Speaker announced that he had referred House Joint Resolution No. 1234 to the Committee on Calendar.

House Joint Resolution No. 1235 -- Memorials, Retirement -- Carl Pettes.

The Speaker announced that he had referred House Joint Resolution No. 1235 to the Committee on Calendar.

House Joint Resolution No. 1236 -- Memorials, Retirement -- Thomas Rondall Myers.

The Speaker announced that he had referred House Joint Resolution No. 1236 to the Committee on Calendar.

House Joint Resolution No. 1237 -- Memorials, Retirement -- Virgil Edward "Ed" Coppinger.

The Speaker announced that he had referred House Joint Resolution No. 1237 to the Committee on Calendar.

House Joint Resolution No. 1238 -- Memorials, Academic Achievement -- Minh H. Nguyen, Valedictorian, Wooddale High School.

The Speaker announced that he had referred House Joint Resolution No. 1238 to the Committee on Calendar.

House Joint Resolution No. 1239 -- Memorials, Academic Achievement -- Rayshauna Davis, Valedictorian, Oakhaven Early College High School.

The Speaker announced that he had referred House Joint Resolution No. 1239 to the Committee on Calendar.

House Joint Resolution No. 1240 -- Memorials, Academic Achievement -- Pariesha K. Bee, Salutatorian, Oakhaven High School.

The Speaker announced that he had referred House Joint Resolution No. 1240 to the Committee on Calendar.

House Joint Resolution No. 1241 -- Memorials, Academic Achievement -- Latoya Jackson, Salutatorian, Wooddale High School.

The Speaker announced that he had referred House Joint Resolution No. 1241 to the Committee on Calendar.

House Joint Resolution No. 1242 -- Memorials, Academic Achievement -- Jonathan "Hunter" Tramel, Valedictorian, DeKalb County High School.

The Speaker announced that he had referred House Joint Resolution No. 1242 to the Committee on Calendar.

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House Joint Resolution No. 1243 -- Memorials, Academic Achievement -- Kirstin Wright, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1243 to the Committee on Calendar.

House Joint Resolution No. 1244 -- Memorials, Academic Achievement -- Avery Andrews, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1244 to the Committee on Calendar.

House Joint Resolution No. 1245 -- Memorials, Academic Achievement -- Immanuel Chioco, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1245 to the Committee on Calendar.

House Joint Resolution No. 1246 -- Memorials, Academic Achievement -- Stephen Charlton, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1246 to the Committee on Calendar.

House Joint Resolution No. 1247 -- Memorials, Academic Achievement -- Kali Sharp, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1247 to the Committee on Calendar.

House Joint Resolution No. 1248 -- Memorials, Academic Achievement -- Sandra Turner, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1248 to the Committee on Calendar.

House Joint Resolution No. 1249 -- Memorials, Academic Achievement -- Sara Gall, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1249 to the Committee on Calendar.

House Joint Resolution No. 1250 -- Memorials, Academic Achievement -- Jordan Plaxico, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1250 to the Committee on Calendar.

House Joint Resolution No. 1251 -- Memorials, Academic Achievement -- Sheena McClinton, Top Ten, Humboldt High School.

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The Speaker announced that he had referred House Joint Resolution No. 1251 to the Committee on Calendar.

House Joint Resolution No. 1252 -- Memorials, Academic Achievement -- Meredith Atkins, Top Ten, Humboldt High School.

The Speaker announced that he had referred House Joint Resolution No. 1252 to the Committee on Calendar.

House Joint Resolution No. 1254 -- Memorials, Recognition -- Greenville High School Air Force Junior Reserve Officers Training Corps unit.

The Speaker announced that he had referred House Joint Resolution No. 1254 to the Committee on Calendar.

House Joint Resolution No. 1255 -- Memorials, Personal Occasion -- John and Janie Ellis, 50th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1255 to the Committee on Calendar.

House Joint Resolution No. 1256 -- Memorials, Retirement -- Brenda Marie Page, Clerk and Master 18th Judicial District.

The Speaker announced that he had referred House Joint Resolution No. 1256 to the Committee on Calendar.

House Joint Resolution No. 1258 -- Memorials, Academic Achievement -- Tammy Tu, Salutatorian, Cookeville High School.

The Speaker announced that he had referred House Joint Resolution No. 1258 to the Committee on Calendar.

House Joint Resolution No. 1259 -- Memorials, Academic Achievement -- Andrew Moss, Valedictorian, Cookeville High School.

The Speaker announced that he had referred House Joint Resolution No. 1259 to the Committee on Calendar.

House Joint Resolution No. 1260 -- Memorials, Academic Achievement -- Noah Stroop, Valedictorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1260 to the Committee on Calendar.

House Joint Resolution No. 1261 -- Memorials, Academic Achievement -- Rahul Vanmaly, Salutatorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1261 to the Committee on Calendar.

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House Joint Resolution No. 1262 -- Memorials, Academic Achievement -- Sarah Elizabeth Walker, Valedictorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 1262 to the Committee on Calendar.

House Joint Resolution No. 1263 -- Memorials, Academic Achievement -- Josh Nixon, Salutatorian, Mt. Juliet High School.

The Speaker announced that he had referred House Joint Resolution No. 1263 to the Committee on Calendar.

House Joint Resolution No. 1264 -- Memorials, Academic Achievement -- Adam Watkins, Valedictorian, Mt. Juliet High School.

The Speaker announced that he had referred House Joint Resolution No. 1264 to the Committee on Calendar.

House Joint Resolution No. 1265 -- Memorials, Interns -- Dan Frost.

The Speaker announced that he had referred House Joint Resolution No. 1265 to the Committee on Calendar.

House Joint Resolution No. 1266 -- Memorials, Retirement -- Robert Dedman, Wilson County Mayor.

The Speaker announced that he had referred House Joint Resolution No. 1266 to the Committee on Calendar.

House Joint Resolution No. 1267 -- Memorials, Interns -- Brooke Baird.

The Speaker announced that he had referred House Joint Resolution No. 1267 to the Committee on Calendar.

House Joint Resolution No. 1268 -- Memorials, Recognition -- Jurnee Carr.

The Speaker announced that he had referred House Joint Resolution No. 1268 to the Committee on Calendar.

House Joint Resolution No. 1269 -- Memorials, Personal Occasion -- Alice Walker Litz, 85th birthday.

The Speaker announced that he had referred House Joint Resolution No. 1269 to the Committee on Calendar.

House Joint Resolution No. 1270 -- Memorials, Personal Occasion -- Gladys Parker Litz, 90th birthday.

The Speaker announced that he had referred House Joint Resolution No. 1270 to the Committee on Calendar.

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Senate Joint Resolution No. 1169 -- Memorials, Academic Achievement -- Samantha Elaine Wright, Valedictorian, Gordonsville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1169 to the Committee on Calendar.

Senate Joint Resolution No. 1170 -- Memorials, Academic Achievement -- Kelsey Dillingham, Salutatorian, Gordonsville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1170 to the Committee on Calendar.

Senate Joint Resolution No. 1171 -- Memorials, Academic Achievement -- Kariah Petrille, Salutatorian, Heritage Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 1171 to the Committee on Calendar.

Senate Joint Resolution No. 1172 -- Memorials, Academic Achievement -- Stephanie Burnette, Valedictorian, Heritage Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 1172 to the Committee on Calendar.

Senate Joint Resolution No. 1173 -- Memorials, Retirement -- Howard Carlton.

The Speaker announced that he had referred Senate Joint Resolution No. 1173 to the Committee on Calendar.

Senate Joint Resolution No. 1174 -- Memorials, Recognition -- Betty Tinker.

The Speaker announced that he had referred Senate Joint Resolution No. 1174 to the Committee on Calendar.

Senate Joint Resolution No. 1175 -- Memorials, Academic Achievement -- Liesel Grossner, Valedictorian, Obion County Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1175 to the Committee on Calendar.

Senate Joint Resolution No. 1176 -- Memorials, Academic Achievement -- Matthew Roberson, Salutatorian, Obion County Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1176 to the Committee on Calendar.

Senate Joint Resolution No. 1177 -- Memorials, Sports -- Martin Middle School Cheerleaders, Universal Cheerleaders Association's National High School Cheerleading Championship Jr. High Champions.

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The Speaker announced that he had referred Senate Joint Resolution No. 1177 to the Committee on Calendar.

Senate Joint Resolution No. 1178 -- Memorials, Academic Achievement -- Samantha Agee, Valedictorian, Jackson County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1178 to the Committee on Calendar.

Senate Joint Resolution No. 1179 -- Memorials, Academic Achievement -- Stewart Rich, Valedictorian, Pickett County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1179 to the Committee on Calendar.

Senate Joint Resolution No. 1180 -- Memorials, Academic Achievement -- Fernando Rodriguez, Salutatorian, Pickett County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1180 to the Committee on Calendar.

Senate Resolution No. 223 -- Memorials, Retirement -- Billy Garrard.

The Speaker announced that he had referred Senate Resolution No. 223 to the Committee on Calendar.

Senate Resolution No. 224 -- Memorials, Interns -- Josh Bradley.

The Speaker announced that he had referred Senate Resolution No. 224 to the Committee on Calendar.

MOTION

Senator Beavers moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 1192**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1192 -- Memorials, Personal Occasion -- John Jay Hooker, 80th birthday.

On motion of Senator Beavers, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1192** was adopted.

MOTION

Senator Harper moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 1194**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1194 -- Memorials, Public Service -- Cora Thompson Patton.

On motion of Senator Harper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1194** was adopted.

NOTICES

MESSAGE FROM THE HOUSE

May 5, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1552, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 10, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2418, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 10, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2488, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2638, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 10, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2943, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

May 10, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3191, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3034. The House refused to recede from its action in adopting House Amendment No. 2.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2552/SENATE BILL NO. 2608**

The Report was received and filed with the Clerk.

MESSAGE FROM THE HOUSE

May 10, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2552. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Henry moved that Rule 37 be suspended for the purpose of placing **Senate Bill No. 3687** on Calendar No. 1 for today, Thursday, May 13, 2010, which motion prevailed.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 1141 -- Memorials, Interns -- Richard Alexander Lewis.

Senate Joint Resolution No. 1142 -- Memorials, Interns -- Casey Lauren Click.

Senate Joint Resolution No. 1144 -- Memorials, Academic Achievement -- Cameron Massey, Salutatorian, Wilson Central High School.

Senate Joint Resolution No. 1145 -- Memorials, Academic Achievement -- Hardie V. Sorrels IV, Salutatorian, Friendship Christian School.

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Senate Joint Resolution No. 1146 -- Memorials, Academic Achievement -- Dillon K. Bane, Valedictorian, Friendship Christian School.

Senate Joint Resolution No. 1147 -- Memorials, Interns -- Nicholas Ryan Swindle.

Senate Joint Resolution No. 1149 -- Memorials, Academic Achievement -- Jessica Murray, Valedictorian, Wilson Central High School.

Senate Joint Resolution No. 1150 -- Memorials, Interns -- Charlie Hill Brooks.

Senate Joint Resolution No. 1151 -- Memorials, Interns -- Matthew Douglas Kothe.

Senate Joint Resolution No. 1152 -- Memorials, Retirement -- Gloria Rollins.

Senate Joint Resolution No. 1153 -- Memorials, Death -- Donna Castle.

Senate Joint Resolution No. 1154 -- Memorials, Professional Achievement -- Tolley and Lowe Incorporated, Milan Chamber of Commerce 2009 Steve Marsh Pinnacle Award.

Senate Joint Resolution No. 1155 -- Memorials, Recognition -- Patsy Perry, Milan Chamber of Commerce 2010 Woman of the Year.

Senate Joint Resolution No. 1156 -- Memorials, Death -- Reverend Joe Thomas Vickers.

Senate Joint Resolution No. 1157 -- Memorials, Professional Achievement -- Jerry Stump, Chairman of American Council of Engineering Companies.

Senate Joint Resolution No. 1158 -- Memorials, Recognition -- Claude Smith Harvey, Jr.

Senate Joint Resolution No. 1161 -- Memorials, Recognition -- James Tiller.

Senate Joint Resolution No. 1162 -- Memorials, Recognition -- Hoskins Drug Store, 80th anniversary.

Senate Joint Resolution No. 1163 -- Memorials, Academic Achievement -- Margaret H. Hudson, Valedictorian, Henry County High School.

Senate Joint Resolution No. 1164 -- Memorials, Academic Achievement -- John Thomas Salmon, Salutatorian, Henry County High School.

Senate Joint Resolution No. 1165 -- Memorials, Academic Achievement -- Victoria Pierpoint, Valedictorian, Big Sandy High School.

Senate Joint Resolution No. 1166 -- Memorials, Academic Achievement -- Charles Kelby Snow, Salutatorian, Big Sandy High School.

Senate Joint Resolution No. 1167 -- Memorials, Academic Achievement -- Elizabeth Ann Rolin, Valedictorian, Trousdale County High School.

Senate Joint Resolution No. 1168 -- Memorials, Recognition -- Dr. O. Thomas Johns, 2010 Thomas A. Brady Community Service Award.

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Senate Resolution No. 220 -- Memorials, Interns -- Jordan Woodruff.

Senate Resolution No. 221 -- Memorials, Interns -- Ntianu Carter.

Senate Resolution No. 222 -- Memorials, Academic Achievement -- Kegan Rinard, Jefferson County High School.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 3447 -- LaFollette -- As introduced, subject to local approval, revises the language conferring powers on the board of public utilities. Amends Chapter 46 of the Private Acts of 2003.

Senate Bill No. 3938 -- Roane County -- As introduced, subject to local approval, sets salary of county attorney to 60 percent of the general sessions judges' salary; provides for payment of reasonable travel expenses related to office of county attorney upon showing receipts. Amends Chapter 111 of the Private Acts of 1937; as amended.

On motion, Senate Bill No. 3938 was made to conform with **House Bill No. 3979**.

On motion, House Bill No. 3979, on same subject, was substituted for Senate Bill No. 3938.

Senate Bill No. 3952 -- Greenbrier -- As introduced, subject to local approval, allows nonresident property owners, in compliance with general law, to vote in town elections; redefines "department head" and "officer"; revises provisions governing bond of the recorder. Amends Chapter 158 of the Private Acts of 2002.

On motion, Senate Bill No. 3952 was made to conform with **House Bill No. 3993**.

On motion, House Bill No. 3993, on same subject, was substituted for Senate Bill No. 3952.

Senate Bill No. 3953 -- Sullivan County -- As introduced, subject to local approval, authorizes possession, storage, use, manufacture, transport, and sale of fireworks in Sullivan County.

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On motion, Senate Bill No. 3953 was made to conform with **House Bill No. 3996**.

On motion, House Bill No. 3996, on same subject, was substituted for Senate Bill No. 3953.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 3**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 13, 2010: House Joint Resolutions Nos. 1260, 1261, 1262, 1263 and 1264.

This the 13th day of May, 2010.
MIKE FAULK, Chairperson.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of considering Consent Calendar No. 3 next, which motion prevailed.

CONSENT CALENDAR NO. 3

House Joint Resolution No. 1260 -- Memorials, Academic Achievement -- Noah Stroop, Valedictorian, Mt. Juliet Christian Academy.

House Joint Resolution No. 1261 -- Memorials, Academic Achievement -- Rahul Vanmaly, Salutatorian, Mt. Juliet Christian Academy.

House Joint Resolution No. 1262 -- Memorials, Academic Achievement -- Sarah Elizabeth Walker, Valedictorian, Mt. Juliet Christian Academy.

House Joint Resolution No. 1263 -- Memorials, Academic Achievement -- Josh Nixon, Salutatorian, Mt. Juliet High School.

House Joint Resolution No. 1264 -- Memorials, Academic Achievement -- Adam Watkins, Valedictorian, Mt. Juliet High School.

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Senator Faulk moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1268**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1268 -- Memorials, Recognition -- Jurnee Carr.

On motion of Senator Faulk, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1268** was concurred in.

CALENDAR NO. 1

Senate Bill No. 3335 -- Economic and Community Development -- As introduced, limits proximate but noncontiguous property added to a megasite to no more than 500 acres. Amends TCA Title 64, Chapter 6.

On motion, Senate Bill No. 3335 was made to conform with **House Bill No. 3598**.

On motion, House Bill No. 3598, on same subject, was substituted for Senate Bill No. 3335.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3598** passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 3345** be placed on the next Calendar, which motion prevailed.

Senate Bill No. 3363 -- Special License Plates -- As introduced, authorizes issuance of new specialty earmarked plates for Western Kentucky University (WKU); allocates funds from sale of such plates to Music City Alumni Chapter of WKU to be used for funding scholarships for Tennessee students attending WKU. Amends TCA Title 55, Chapter 4.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Music City Alumni Chapter of Western Kentucky University;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Music City Alumni Chapter of Western Kentucky University new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the official colors, logo or other distinctive emblem of Western Kentucky University in an appropriate design. Such plates shall be designed in consultation with a representative from the Music City Alumni Chapter of Western Kentucky University.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Music City Alumni Chapter of Western Kentucky University in accordance with § 55-4-215 to be used for scholarship funding for Tennessee students attending Western Kentucky University.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3363**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Marrero moved that **Senate Bill No. 3367** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 3380 -- Domestic Violence -- As introduced, changes incorrect cross-references to definition of domestic abuse victim and domestic abuse. Amends TCA Title 36, Chapter 3, Part 6; Title 39, Chapter 13; Title 40, Chapter 11, Part 1 and Title 40, Chapter 35, Part 3.

On motion, Senate Bill No. 3380 was made to conform with **House Bill No. 3577**.

On motion, House Bill No. 3577, on same subject, was substituted for Senate Bill No. 3380.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3577** passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Watson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

Senate Bill No. 3394 -- Clerks, Court -- As introduced, authorizes the chancery court clerks to invest idle funds of minors and incompetents in certain manners. Amends TCA Section 18-5-105.

On motion, Senate Bill No. 3394 was made to conform with **House Bill No. 3583**.

On motion, House Bill No. 3583, on same subject, was substituted for Senate Bill No. 3394.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3583** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

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A motion to reconsider was tabled.

Senate Bill No. 3411 -- Death -- As introduced, sets the priority as to who has the right to dispose of a dead body through cremation. Amends TCA Title 62, Chapter 5, Part 5.

Senator Ford declared Rule 13 on **Senate Bill No. 3411**.

On motion, Senate Bill No. 3411 was made to conform with **House Bill No. 3293**.

On motion, House Bill No. 3293, on same subject, was substituted for Senate Bill No. 3411.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3293** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Finney moved that **Senate Bill No. 3428** be moved three places down on Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 3524 -- Special License Plates -- As introduced, requires that Share the Road new specialty earmarked plates be redesigned for reissuance; redesign to be made in consultation with Jeff Roth Cycling Foundation and the majority caucus whip of the House of Representatives. Amends TCA Title 55, Chapter 4.

Senator Overbey declared Rule 13 on **Senate Bill No. 3524**.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-276, is amended by adding the following language to the end of subsection (c):

Notwithstanding any provision of law to the contrary, the new specialty earmarked plates provided for in this section shall have one (1) year from the effective date of this act or July 1, 2011, whichever is later, to meet the initial issuance requirements of

§ 55-4-201(h)(1). In addition, the new specialty earmarked plates authorized in this section shall be redesigned in consultation with the Jeff Roth Cycling Foundation. Such newly redesigned plate shall be available for initial issuance and renewals on or after July 1, 2010.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3524**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 3526 -- Municipal Government -- As introduced, authorizes any municipality, including those incorporated by private act, to change the date of municipal elections by ordinance to coincide with the August or November general elections and to extend the terms of incumbents to meet the new date so long as no term is extended for more than two years. Amends TCA Title 6.

On motion, Senate Bill No. 3526 was made to conform with **House Bill No. 3404**.

On motion, House Bill No. 3404, on same subject, was substituted for Senate Bill No. 3526.

On motion of Senator Ketron, Amendment No. 1 was withdrawn.

Senator Haynes moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following language as subsection (c) in the amendatory language of Section 1 of the bill:

(c) If the board changes the date of municipal elections pursuant to subsection (a), the board may at a later date change the election date back to what such date was prior to moving the election date to coincide with the August or November general election. The board may only make an election date change under this subsection (c) one (1) time. Terms of incumbent members of the board shall not be abridged to accomplish an election date change under this subsection (c); however, members elected at a date change pursuant to this subsection (c) may take office at a later date so as to not abridge terms of incumbent members. If such members take office at a later date, their term may be abridged due to such members having to take office at the later date.

AND FURTHER AMEND by adding the following language as subdivision (c)(3) in the amendatory language of Section 2 of the bill:

(3) If the board of commissioners changes the date of municipal elections pursuant to subdivision (1), the board may at a later date change the election date back to what such date was prior to moving the election date to coincide with the August or November general election. The board may only make an election date change under this subdivision (3) one (1) time. Terms of incumbent members of the board shall not be abridged to accomplish an election date change under this subsection (c); however, members elected at a date change pursuant to this subsection (c) may take office at a later date so as to not abridge terms of incumbent members. If such members take office at a later date, their term may be abridged due to such members having to take office at the later date.

AND FURTHER AMEND by deleting the language "members of the board" in the amendatory language of Section 3 and substituting instead the language "council members".

AND FURTHER AMEND by adding the following language as subdivision (b)(3) in the amendatory language of Section 3 of the bill:

(3) If the council changes the date of municipal elections pursuant to subdivision (1), the council may at a later date change the election date back to what such date was prior to moving the election date to coincide with the August or November general election. The council may only make an election date change under this subdivision (3) one (1) time. Terms of incumbent council members shall not be abridged to accomplish an election date change under this subsection (c); however, council members elected at a date change pursuant to this subsection (c) may take office at a later date so as to not abridge terms of incumbent council members. If such council members take office at a later date, their term may be abridged due to such members having to take office at the later date.

AND FURTHER AMEND by adding the following language as subsection (c) in the amendatory language of Section 4 of the bill:

(c) If the legislative body of a municipality changes the date of municipal elections pursuant to subsection (a), the legislative body may at a later date change the election date back to what such date was prior to moving the election date to coincide with the August or November general election. The legislative body may only make a change under this subsection (c) one (1) time. Terms of incumbent members of the legislative body shall not be abridged to accomplish an election date change under this subsection (c); however, members elected at a date change pursuant to this subsection (c) may take office at a later date so as to not abridge terms of incumbent members of the legislative body. If such members take office at a later date, their term may be abridged due to such members having to take office at the later date.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3404**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 3538 -- Transportation, Dept. of -- As introduced, directs department to redress flooding problem caused by clearing landslide into the Little River near the Sunbright Community in Blount County. Amends TCA Title 4; Title 54 and Title 69.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The Department of Transportation, in consultation with the Department of Environment and Conservation, is directed to conduct a study relative to recurring flooding near the Sunbright Community in Blount County, Tennessee, caused by clearing a landslide from the highway running parallel to the Little River into such river. Such study shall include, but not be limited to, identifying ways and means to remove boulders displaced into the river during the clearing process. The department shall report the findings of such study to the Transportation Committees of the House of Representatives and the Senate no later than January 15, 2011.

SECTION 2. The Department of Transportation shall identify all available federal funding to prevent further flooding in the Sunbright community as part of such study.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3538**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3428 -- Municipal Government -- As introduced, authorizes municipal governments to create an office of administrative hearing officer to hear building and property maintenance code violations, and further describes such administrative proceedings. Amends TCA Title 6, Chapter 54 and Title 66.

Senator Haynes declared Rule 13 on **Senate Bill No. 3428**.

Senator Overbey declared Rule 13 on **Senate Bill No. 3428**.

Senator Ketron moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the following language in Section 1 of the printed bill:

§ 6-54-1006.

(a) Each administrative hearing officer shall be appointed by the local governing body for an indefinite term and serve at the pleasure of the appointing governing body.

(b) An administrative hearing officer must be one (1) of the following:

- (1) Licensed building inspector;
- (2) Licensed plumbing inspector;
- (3) Licensed electrical inspector;
- (4) Licensed attorney;
- (5) Licensed architect; or
- (6) Licensed engineer.

§ 6-54-1007.

(a) Each person appointed to serve as an administrative hearing officer shall, within the six-month period immediately following the date of such appointment, participate in a program of training conducted by the municipal technical advisory service, referred to in this part as MTAS. MTAS shall issue a certificate of participation to each person whose attendance is satisfactory. The curricula for the initial training shall be developed by MTAS with input from the Department of Commerce and Insurance.

(b) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. MTAS shall develop the continuing education curricula and offer that curricula for credit no less than twice per calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under this part. No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year.

(c) MTAS has the authority to set and enact appropriate fees for the requirements of this section. A municipality shall bear the cost of the fees for administrative hearing officers serving their jurisdiction.

(d) Costs pursuant to this section shall be offset by fees enacted.

and by substituting instead the following:

§ 6-54-1006.

(a) Each administrative hearing officer shall be appointed by the local governing body for an indefinite term and serve at the pleasure of the appointing governing body.

(b) An administrative hearing officer shall be one (1) of the following:

(1) Licensed building inspector;

(2) Licensed plumbing inspector;

(3) Licensed electrical inspector;

(4) Licensed attorney;

(5) Licensed architect;

(6) Licensed engineer; or

(7) Administrative Law Judge of the Administrative Procedures Division, Office of the Tennessee Secretary of State.

§ 6-54-1007.

(a) Each person appointed to serve as an administrative hearing officer shall, within the six-month period immediately following the date of such appointment, participate in a program of training conducted by the University of Tennessee's Municipal Technical Advisory Service, referred to in this part as MTAS. MTAS shall issue a certificate of participation to each person whose attendance is satisfactory. The curricula for the initial training shall be developed by MTAS with input from the administrative procedures division, office of the Tennessee secretary of state. MTAS shall offer this program of training no less than twice per calendar year.

(b) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. MTAS develop the continuing education curricula and offer that curricula for credit no less than twice per calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under this part. No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year.

(c) MTAS has the authority to set and enact appropriate fees for the requirements of this section. A municipality shall bear the cost of the fees for administrative hearing officers serving their jurisdiction.

(d) Costs pursuant to this section shall be offset by fees enacted.

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AND FURTHER AMEND by deleting the following language from Section 1 of the printed bill:

§ 6-54-1009.

(a) Upon receipt of a citation issued pursuant to § 6-54-1008, an administrative hearing officer shall within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator not to exceed five hundred dollars (\$500) per day.

and by substituting instead the following:

§ 6-54-1009.

(a) Upon receipt of a citation issued pursuant to § 6-54-1008, an administrative hearing officer shall within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator not to exceed five hundred dollars (\$500) per day. Any fine levied by a hearing officer must be reasonably based upon the totality of the circumstances.

On motion, Amendment No. 1 was adopted.

Senator Finney moved that **Senate Bill No. 3428**, as amended, be moved five places down on Calendar No. 1 for today, which motion prevailed.

MOTION

Senator Marrero moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1271**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1271 -- Memorials, Interns -- Josef McLeod.

On motion of Senator Marrero, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1271** was concurred in.

CALENDAR NO. 1

Senate Bill No. 3549 -- State Government -- As introduced, requires information be provided on the projected financial impact of rules and regulations promulgated during a fiscal year. Amends TCA Section 3-2-107; Title 4, Chapter 5, Part 2 and Title 9, Chapter 4, Part 51.

On motion, Senate Bill No. 3549 was made to conform with **House Bill No. 3351**.

On motion, House Bill No. 3351, on same subject, was substituted for Senate Bill No. 3549.

On motion of Senator Ketron, Amendment No. 1 was withdrawn.

MR. SPEAKER RAMSEY RELINQUISHES CHAIR

Mr. Speaker Ramsey relinquished the Chair to Senator Woodson as Speaker pro tempore.

Senator Ketron moved that **House Bill No. 3351** be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 3687 -- Taxes, Real Property -- As introduced, removes the exemption of counties with a population of at least 50,000 people from the adjustment of the property tax rate in special school districts; and revises present law regarding assessments of public utility taxpayers and property. Amends TCA Title 67, Chapter 1 and Title 67, Chapter 5.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 3 and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 67-5-212, is amended by adding the following language at the end of subdivision (b)(3)(B):

The purpose of this subdivision is to provide continuity of exempt status for property transferred from one exempt religious institution to another in the specified circumstances. For purposes of this subdivision, property transferred by a lender following foreclosure shall be deemed to have been transferred by the foreclosed debtor, whether or not the property was assessed in the name of the lender during the lender's possession.

SECTION 4. This act shall take effect on becoming law, the public welfare requiring it. This act shall apply to exemption applications filed after its effective date, and also to applications pending or under appeal before the state board of equalization, as of its effective date.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new sections and renumbering existing sections as appropriate:

SECTION _____. Tennessee Code Annotated, Section 67-5-603, is amended by adding the following new subsection (d):

(d) In the case of damage resulting from a disaster certified by the federal emergency management agency (FEMA), the annual assessment of an affected building or improvement in a county included in the FEMA declaration shall be prorated as otherwise provided in subsection (a), for the actual time the building or improvement is destroyed and not replaced, or the actual time the building or improvement is substantially damaged, notwithstanding the building or improvement is restored or replaced by September 1, provided the total time the building or improvement is destroyed or damaged and not replaced or restored, exceeds thirty (30) days. The owner must apply for this relief to the assessor by September 1 using a form approved by the director of the state division of property assessments. This subdivision shall be effective retroactively to January 1, 2010, but shall not take effect as to any particular county or municipality unless approved by two-thirds (2/3) vote of its governing body. This subdivision shall expire on December 31, 2010.

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of the act which can be upheld without the invalid provision, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Senator Henry moved that **Senate Bill No. 3687**, as amended, be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senator Beavers moved that **Senate Bill No. 3621** be placed on the last Calendar, which motion prevailed.

Senator Burchett moved that **Senate Bill No. 3678** be moved two places down on Calendar No. 1 for today, which motion prevailed.

Madame Speaker Pro Tempore Woodson moved that **Senate Bill No. 3692** be moved two places down on Calendar No. 1 for today, which motion prevailed.

RECESS

Senator Norris moved the Senate stand in recess until 10:45 a.m., which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

CALENDAR NO. 1

Senate Bill No. 3740 -- Civil Procedure -- As introduced, establishes that contracts based on the law of any foreign state or country that incorporates substantive or procedural law that would violate rights and privileges granted under the U.S. or Tennessee Constitution are against the public policy of this state and are void and unenforceable in this state.

On motion, Senate Bill No. 3740 was made to conform with **House Bill No. 3768**.

On motion, House Bill No. 3768, on same subject, was substituted for Senate Bill No. 3740.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3768** passed its third and final consideration by the following vote:

Ayes	32
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

Senator present and not voting was: Marrero--1.

A motion to reconsider was tabled.

FURTHER ACTION ON SENATE BILL NO. 3428, AS AMENDED

Senator Yager moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting subsection (a) in § 6-54-1006 in Section 1 of the bill and substituting instead the following:

(a) Each administrative hearing officer shall be appointed by the local governing body for a four-year term and serve at the pleasure of the appointing governing body. Such administrative hearing officer may be reappointed.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

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Thereupon, **Senate Bill No. 3428**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3678 -- Taxes, Gasoline, Petroleum Products -- As introduced, provides for Tennessee opting out of federal aid highway program and electing instead to retain state's contributions to federal Highway Trust Fund each fiscal year, if and when Congress enacts legislation to permit such action. Amends TCA Title 54; Title 55 and Title 67, Chapter 3.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the introduced bill and by substituting instead the following:

SECTION 1. If and when the United States Congress enacts legislation to permit such action, the State of Tennessee may decline to participate in the federal-aid highway program and may elect instead to retain the State of Tennessee's contributions to the highway trust fund for each fiscal year.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3678**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3692 -- Public Funds and Financing -- As introduced, revises the composition of the state funding board and revises the definition of "state director of local finance" within present law regarding bonds and notes issued by local governments to mean the comptroller instead of the state director of local finance in the office of the comptroller. Amends TCA Title 9, Chapters 9 and 21.

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On motion, Senate Bill No. 3692 was made to conform with **House Bill No. 3601**.

On motion, House Bill No. 3601, on same subject, was substituted for Senate Bill No. 3692.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3601** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 1198**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1198 -- General Assembly, Recess & Reconvene -- Recesses Senate from close of business on May 13, 2010, until May 24, 2010, at 1:00 p.m.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1198** was adopted.

CALENDAR NO. 1

FURTHER ACTION ON HOUSE BILL NO. 3351

Senator Ketron moved that **House Bill No. 3351** be placed on the next Calendar, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 3687, AS AMENDED

Thereupon, **Senate Bill No. 3687**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3753 -- Firearms and Ammunition -- As introduced, authorizes a person with a handgun carry permit to carry a handgun on a greenway that runs through a park, even if a municipality has voted to prohibit firearms in such park. Amends TCA Section 39-17-1311.

Senator Overbey declared Rule 13 on **Senate Bill No. 3753**.

On motion, Senate Bill No. 3753 was made to conform with **House Bill No. 2719**.

On motion, House Bill No. 2719, on same subject, was substituted for Senate Bill No. 3753.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1311, is amended by adding a new subsection thereto, as follows:

() For the purposes of this section a "greenway" means an open-space area following a natural or man-made linear feature designed to be used for recreation, transportation, conservation, and to link services and facilities. A greenway is a paved, gravel-covered, woodchip-covered, or wood-covered path that connects one greenway entrance with another greenway entrance. In the event a greenway traverses a park that is owned or operated by a county, municipality or instrumentality thereof, the greenway shall be considered a portion of that park unless designated otherwise by the local legislative body. Except as provided in this part, the definition of a greenway in this section shall not be applicable to any other provision of law.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2719**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	2

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Finney, Ford, Gresham, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

Senators voting no were: Harper and Marrero--2.

A motion to reconsider was tabled.

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Senate Bill No. 3897 -- Motor Vehicles -- As introduced, increases cost of special annual permit for single motor vehicles that do not exceed certain weight and length limitations transporting seed cotton modules from \$100 to \$200. Amends TCA Section 55-7-205.

On motion, Senate Bill No. 3897 was made to conform with **House Bill No. 3725**.

On motion, House Bill No. 3725, on same subject, was substituted for Senate Bill No. 3897.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3725** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

House Joint Resolution No. 1047 -- Naming and Designating -- "Parliamentary Law Month", April 2010.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "Henery M. Roberts" in the fourth clause of the preamble and substituting instead the language "Henry M. Robert".

On motion, Amendment No. 1 was adopted.

Thereupon, **House Joint Resolution No. 1047**, as amended, was concurred in by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Joint Resolution No. 860 -- General Assembly, Statement of Intent or Position -- Expresses the sense of the General Assembly that enemy combatants should be tried in military commissions.

Senate Joint Resolution No. 860 was adopted by the following vote:

Ayes	19
Noes	5
Present, not voting . . .	1

Senators voting aye were: Beavers, Black, Bunch, Burchett, Faulk, Gresham, Jackson, Johnson, Ketron, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Ford, Harper, Haynes, Henry and Marrero--5.

Senator present and not voting was: Kelsey--1.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 94** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 2704 -- Motor Vehicles -- As introduced, requires inspections of vehicles used for commercial whitewater and recreational river use to be at non-peak seasonal times; authorizes such vehicles to haul trailers. Amends TCA Title 55 and Title 65, Chapter 15.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-7-202, is amended by adding the following new subsection:

(e)(1) Notwithstanding the limitations set forth in subsection (a), between 12:01 a.m. on the first Friday in March and 11:59 p.m. on the first Sunday in November each year, a motor vehicle carrying rafts or rafting apparatus used by an operator for commercial whitewater rafting purposes, when the driver of such motor vehicle possesses written documentation from the Department of Revenue that such operator is in compliance with the policy of liability insurance provisions in § 65-15-110(b), and having a height, including any part of the load, that exceeds thirteen feet (13') but does not exceed seventeen and one-half feet (17 1/2') may operate on the following state highway segments:

(A) State Route 40 (United States Highway 64) in Polk County between State Route 33 (United States Highway 411) east of Cleveland and State Route 68 in Ducktown (Ocoee River); and

(B) Interstate 40 in Cocke County between the Foothills Parkway and the Tennessee--North Carolina border (Pigeon River);

and within five (5) miles of such highway segments upon any additional public road as necessary to travel to and from such operator's place of business to such highway or to and from such highway to such operator's river access point, so long as the load is secured and the vehicle is operated in a safe manner at all times.

(2) Nothing in this section shall be construed to require the Department of Transportation or any other entity to design, construct, or maintain overhead structures on or along such highways or public roads with a clearance in excess of thirteen feet (13') or any otherwise applicable design standard.

SECTION 2. Tennessee Code Annotated, Section 55-7-204, is amended by adding the following language to the end of the present language:

No bus with a trailer attached, the total length of which combination, including any part of the body or load, exceeds sixty-five feet (65') shall be operated on any highway. No school bus as defined in Section 55-8-101 transporting children to or from school or for extracurricular activities shall be operated on any highway with a trailer attached.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2704**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3039 -- Real Property -- As introduced, requires cause of action to recover balance due upon sale of real property to foreclose a deed of trust, mortgage, or other lien where the mortgaged property sells for less than the amount due. Amends TCA Title 25; Title 28 and Title 35.

Senator Bunch declared Rule 13 on **Senate Bill No. 3039**.

Senator Haynes declared Rule 13 on **Senate Bill No. 3039**.

On motion, Senate Bill No. 3039 was made to conform with **House Bill No. 3057**.

On motion, House Bill No. 3057, on same subject, was substituted for Senate Bill No. 3039.

Senator Faulk moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 35, Chapter 5, is amended by adding the following as a new section:

§ 35-5-117.

(a) In an action brought by a creditor to recover a balance still owing on an indebtedness after a trustee's or foreclosure sale of real property secured by a deed of trust or mortgage, the creditor shall be entitled to a deficiency judgment in an amount sufficient to satisfy fully the indebtedness.

(b) In all such actions, absent a showing of fraud, collusion, misconduct, or irregularity in the sale process, the deficiency judgment shall be for the total amount of indebtedness prior to the sale plus the costs of the foreclosure and sale, less the fair market value of the property at the time of the sale. The creditor shall be entitled to a rebuttable prima facie presumption that the sale price of the property is equal to the fair market value of the property at the time of the sale.

(c) To overcome the presumption set forth in subsection (b), the debtor must prove by a preponderance of the evidence that the property sold for an amount materially less than the fair market value of property at the time of the foreclosure sale. If the debtor overcomes the presumption, the deficiency shall be the total amount of the indebtedness prior to the sale plus the costs of the foreclosure and sale, less the fair market value of the property at the time of the sale as determined by the court.

(d)(1) Any action for a deficiency judgment under this section shall be brought not later than the earlier of:

(A) Two (2) years after the date of the trustee's or foreclosure sale, exclusive of any period of time in which a petition for bankruptcy is pending; or

(B) The time for enforcing the indebtedness as provided for under §§ 28-1-102 and 28-2-111.

(2) Nothing contained in this section shall be construed as limiting a person entitled to bring such action from electing to sue on an indebtedness in lieu of, prior to, or contemporaneously with enforcement of a deed of trust or mortgage.

SECTION 2. This act shall take effect on September 1, 2010, the public welfare requiring it and shall apply to all trustee or foreclosure sales of real property secured by a deed of trust for which the first foreclosure publication is given on or after such date.

On motion, Amendment No. 1 was adopted.

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Thereupon, **House Bill No. 3057**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

NOTICES

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1678, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2982, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2983, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

RECESS

Senator Norris moved the Senate stand in recess until 1:15 p.m., which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

MOTION

Senator Faulk moved that Rule 44 be suspended for the purpose of making and considering Message Calendar No. 2; and further moved to suspend Rule 19 to consider Message Calendars Nos. 1 and 2, out of order, which motion prevailed.

MESSAGE CALENDAR NO. 1

Senator Faulk moved that **Senate Bill No. 3489** be placed on the Message Calendar for Monday, May 24, 2010, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3053 -- Education -- As introduced, prohibits parent whose parental rights have been terminated from being eligible to receive child's report card or other information concerning child's schooling. Amends TCA Title 49.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-1-302(d)(1), is amended by adding the following language at the end of the subdivision:

If the Commissioner of Education who is initially appointed to the committee as chairperson ceases to be the Commissioner of Education because of resignation or retirement, then such former commissioner shall remain a member of the committee until the committee ceases to exist. The total number of members of the committee shall thereby be increased to sixteen (16).

Senator Woodson moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3053**, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Southerland, Stewart, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR # 2**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, May 13, 2010: Senate Bills Nos. 1552, 1678, 2418, 2488, 2638, 2943, 2982, 2983, 3034 and 3191; and House Bill No. 2552.

This the 13th day of May, 2010.
MIKE FAULK, Chairperson.

MESSAGE CALENDAR NO. 2

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1552 -- Physicians and Surgeons -- As introduced, requires a physician who agrees to serve as an "on call" physician to arrive within one hour of being called. Amends TCA Title 63.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-207(b), is amended by deleting the fourth sentence of the subsection in its entirety and by substituting instead the following:

Applicants shall successfully complete the United States Medical Licensing Examination within seven (7) years from the date of whichever step of the exam was completed first; provided, however, the board shall grant an extension to an applicant who is licensed in good standing in at least three (3) other jurisdictions and who has otherwise met the requirements under this section.

SECTION 2. This act shall take effect upon becoming a law and shall expire on June 30, 2013, the public welfare requiring it.

Senator Burchett moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1552**, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1678 -- Motor Vehicles -- As introduced, increases from 15 to 30 days when notice of tow of an abandoned or unclaimed vehicle must be given to last registered owner. Amends TCA Title 55, Chapter 16.

HOUSE AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-16-105, is amended in subsection (a) by deleting the language "fifteen (15) days" and by substituting instead the language "three (3) business days after receiving verification of ownership pursuant to subsection (e)".

SECTION 2. Tennessee Code Annotated, Section 55-16-105, is further amended in subsection (f) by deleting the language "fifteen (15) days of receiving possession of the vehicle" and by substituting instead the language "three (3) business days after receiving verification of ownership pursuant to subsection (e)".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Haynes moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1678**, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2418 -- Administrative Procedure (UAPA) -- As introduced, removes authority of the government operations committees to stay the running of the period between the time a rule is filed with the secretary and the rule's effective date. Amends TCA Title 4, Chapter 5.

HOUSE AMENDMENT NO. 4

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-5-108, is amended in subsection (a) by deleting in its entirety the second sentence and by substituting instead the following:

The legislation shall first be referred to the appropriate standing committee of each house and if recommended for passage by such standing committee shall then be referred to the Government Operations Committee of each house. The Government Operations Committee shall review and refer the bill with a positive, negative or neutral recommendation after examining the elements of the bill for which the committee has authority. Nothing in this section shall be construed to authorize the Government Operations Committee to prevent consideration of such legislation by the appropriate house.

SECTION 2. Tennessee Code Annotated, Section 4-5-208, is amended by adding a new subsection thereto, as follows:

(f) The provisions of this section shall not apply to initial licensure or certification by any profession, occupation or business. A rule-making hearing shall be held before rules for the initial licensure or certification of a profession, occupation or business are adopted.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Watson moved that the Senate nonconcur in House Amendment No. 4 to **Senate Bill No. 2418**, which motion prevailed.

Senator Faulk moved that **Senate Bill No. 2488** be placed on the next Message Calendar, which motion prevailed.

Senator Black moved that **Senate Bill No. 2638** be moved five places down on Message Calendar No. 2 for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2943 -- Workers' Compensation -- As introduced, revises determination of meaningful return to work in cases of permanent partial disability by tying it to average weekly wage. Amends TCA Section 50-6-241.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-241(d)(1)(B)(i), is hereby amended by adding the following language:

Employees who have had a reduction in pay or a reduction in hours due to economic conditions shall not be entitled to reopen their claims under this section if the reduction in pay or reduction in hours affected at least fifty percent (50%) of other hourly employees operating at or out of the same location.

SECTION 2. Tennessee Code Annotated, Section 50-6-241(d)(1)(B)(ii), is hereby amended by adding the following language:

Employees who have had a reduction in pay or a reduction in hours due to economic conditions shall not be entitled to reopen their claims under this section if the reduction in pay or reduction in hours affected at least fifty percent (50%) of other hourly employees operating at or out of the same location.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Norris moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2943**.

Senator Norris moved that **Senate Bill No. 2943** be placed on the next Message Calendar, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2982 -- Drugs -- As introduced, creates Class A misdemeanor for production, manufacture, distribution, possession, or possession with intent to produce, manufacture, or distribute the synthetic cannabinoids JWH-018, JWH-073 and HU-210. Amends TCA Title 39, Chapter 17, Part 4.

HOUSE AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-438, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) It is an offense to knowingly produce, manufacture, distribute, possess or possess with intent to produce, manufacture, or distribute the active chemical ingredient in the hallucinogenic plant *salvia divinorum* or the synthetic cannabinoids JWH-018, JWH-073, HU-210 and HU-211.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Tate moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2982**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by deleting the language "HU-211" and by substituting instead the language "HU-211; provided however, the provisions of this subsection concerning the synthetic cannabinoids JWH-018, JWH-073, HU-210 and HU-211 shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal food and drug administration".

Senator Tate moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2982**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2983 -- Property -- As introduced, allows counties, municipalities, and the state to authorize community organizations the right to petition and enter upon property for the purpose of removing litter. Amends TCA Title 5, Chapter 1; Title 6, Chapter 54; Title 13, Chapter 21 and Title 13, Chapter 6, Part 1.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-1-115, is amended by adding the following language as a new subsection (g):

(g)(1) As used in this subsection,

(A) "Community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group.

(B) "Vacant property" means property on which no building exists or on which a building exists but any such building is no longer utilized for any business, commercial or residential purposes.

(2) If a person fails to remedy the condition on vacant property within the time period prescribed by subsection (c), subject to any stay as provided in subsection (d), a community organization shall be entitled to petition the county to enter upon such vacant property to remedy the conditions identified in subsection (b). Upon the filing of such a petition, the county is authorized to contract with such community organization for such purposes. The contract shall provide for the manner in which the community organization shall be compensated for remedying the conditions pursuant to such contract. Any county that contracts with a community organization for such purposes shall be absolutely immune from any liability to any and all persons and for damage to the vacant property for conditions remedied by the community organization. No monetary liability and no cause of action of any nature shall arise against the county for acts of omission or commission of such community organization for conditions remedied pursuant to such contract.

SECTION 2. Tennessee Code Annotated, Section 5-1-115(e), is amended by adding the following language as a new subdivision (3):

(3) The provisions of this subsection (e) shall not apply to subsection (g).

SECTION 3. Tennessee Code Annotated, Section 6-54-113, is amended by adding the following language as a new subsection (h):

(h)(1) As used in this subsection,

(A) "Community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group.

(B) "Vacant property" means property on which no building exists or on which a building exists but any such building is no longer utilized for any business, commercial or residential purposes.

(2) Except as provided in subsection (g), if a person fails to remedy the condition on vacant property within the time period prescribed by subsection (c), subject to any stay as provided in subsection (d), a community organization shall be entitled to petition the municipality to enter upon such vacant property to remedy the conditions identified in subsection (b). Upon the filing of such a petition, the municipality is authorized to contract with such community organization for such purposes. The contract shall provide for the manner in which the community organization shall be compensated for remedying the conditions pursuant to such contract. Any municipality that contracts with a community organization for such purposes shall be absolutely immune from any liability to any and all persons and for damage to the vacant property for conditions remedied by the community organization. No monetary liability and no cause of action of any nature shall arise against the municipality for acts of omission or commission of such community organization for conditions remedied pursuant to such contract.

SECTION 4. Tennessee Code Annotated, Section 13-21-204, is amended by deleting the section in its entirety and by substituting instead the following:

(a) For purposes of this section:

(1) As used in this subsection,

(A) "Community organization" means a community-oriented organization or group including, but not limited to, a school group, church youth group, or community support group.

(B) "Litter" means overgrown plant life including, but not limited to, trees, vines, grasses, and underbrush or the accumulation of debris, trash, garbage, or any combination of the preceding elements.

(C) "Vacant property" means property on which no building exists or on which a building exists but any such building is no longer utilized for any business, commercial or residential purposes.

(b) A municipality may acquire by eminent domain pursuant to Title 29, Chapters 16 and 17, any property determined to be blighted or deteriorated pursuant to this part, and shall have the power to hold, clear, manage or dispose of property so acquired for residential, commercial, industrial and related use, pursuant to the provisions of this part.

(c)(1) A community organization shall be entitled to petition a municipality acquiring vacant property pursuant to subsection (b) in order to enter upon such vacant property to remove litter from such property.

(2) Upon the filing of such a petition, the municipality is authorized to contract with such community organization for such purposes. The contract shall provide for the manner in which the community organization shall be compensated for remedying the conditions pursuant to such contract.

(A) Any municipality that contracts with a community organization for such purposes shall be absolutely immune from any liability to any and all persons and for damage to the vacant property for conditions remedied by the community organization. No monetary liability and no cause of action of any nature shall arise against the municipality for acts of omission or commission of such community organization for conditions remedied pursuant to such contract.

(B) The community organization may coordinate with the Department of Correction to utilize inmates for removing litter from vacant property as part of a volunteer inmate work program as described in § 4-6-201 or a similar department of correction program. If the community organization utilizes inmates pursuant to this subdivision, then the community organization shall not be held liable for any damage to the vacant property or for any injury incurred by inmates arising from the removal of litter.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.

Senator Tate moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2983**, which motion prevailed by the following vote:

Ayes	29
Noes	1

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Beavers--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 7

AMEND by deleting the language "a community organization" in subsection (g)(2) of Section 1 and by substituting instead the language "Upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body of any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census to implement this subsection (g) within such county, a community organization".

AND FURTHER AMEND by deleting the language "a community organization" in subsection (h)(2) of Section 3 and by substituting instead the language "Upon the adoption of a resolution by a two-thirds (2/3) vote of the municipal legislative body of any municipality located in any county having a

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population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census to implement this subsection (h) within any such municipality, a community organization".

AND FURTHER AMEND by deleting the language "A community organization" in subsection (c)(1) of Section 4 and by substituting instead the language "Upon the adoption of a resolution by a two-thirds (2/3) vote of the municipal legislative body of any municipality located in any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census to implement this subsection (c), within any such municipality, a community organization".

Senator Tate moved that the Senate concur in House Amendment No. 7 to **Senate Bill No. 2983**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3034 -- Alcoholic Beverages -- As introduced, adds Sligo Marina in DeKalb County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort. Amends TCA Section 57-4-102.

Senator Faulk moved that the Senate refuse to recede from its action in nonconcurring in House Amendment No. 2 to **Senate Bill No. 3034**, which motion prevailed.

Senator Faulk moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **Senate Bill No. 3034**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 3034**

The Speaker announced the appointment of a Conference Committee composed of Senators Faulk, Chairperson; Herron and Woodson to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 3034.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3191 -- Taxes, Agricultural and Open Spaces -- As introduced, permits owners of agricultural and forest land to preserve the existing condition of such land; revises method of appraisal and assessment for such land. Amends TCA Title 67, Chapter 5, Part 10.

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Senator Norris declared Rule 13 on **Senate Bill No. 3191**.

Senator Gresham declared Rule 13 on **Senate Bill No. 3191**.

HOUSE AMENDMENT NO. 2

AMEND by deleting the amendatory language of Section 1 of the bill as amended and by substituting instead the following:

() The general assembly finds that value as determined under subdivision (b)(2)(B) should not be deemed the value of property for any purpose other than a future assessment of rollback taxes, because it does not determine the actual tax liability of a qualifying owner at the time of valuation. Accordingly, value as determined under subdivision (b)(2)(B) shall not be deemed determinative of fair market value for any purpose other than the administration of property taxes under this title.

Senator Barnes moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3191**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2552/SENATE BILL NO. 2608**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2552 (Senate Bill No. 2608) has met and recommends that Senate State and Local Government Committee Amendment No. 1 (# 01523972) be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting Section 1 in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 12-3-1003(b), is amended by deleting the language "and the price paid falls within ten percent (10%) of the documented range." and by substituting instead the language "and the price is not more than five percent (5%) higher than the highest value of the documented range.".

/s/ Senator Bo Watson

/s/ Senator Dewayne Bunch

/s/ Senator Tim Barnes

/s/ Representative Vince Dean

/s/ Representative Bill Harmon

/s/ Representative Phillip Johnson

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Senator Watson moved that the Conference Committee Report on **House Bill No. 2552/Senate Bill No. 2608** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes	19
Noes	11
Present, not voting . . .	2

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero, Stewart and Tate--11.

Senators present and not voting were: Henry and Jackson--2.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2638 -- Traffic Safety -- As introduced, allows counties to regulate parking on roadways solely under their jurisdiction by resolution. Amends TCA Title 55, Chapter 8.

HOUSE AMENDMENT NO. 3

AMEND by adding the following language as a new section to precede the effective date section:

SECTION __. Tennessee Code Annotated, Section 55-8-161, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b)(1) Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches (18") of the left-hand curb of a one-way roadway.

(2) Local authorities in any county having a metropolitan form of government with a population of more than five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census, upon determining that such parking would not interfere with the free movement of traffic nor cause an undue safety hazard, may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches (18") of the left-hand curb of a roadway.

Senator Black moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 2638**.

Senator Black moved that **Senate Bill No. 2638** be placed on the next Message Calendar, which motion prevailed.

NOTICES

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3753. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2492. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3376. The House nonconcurred in Senate Amendments Nos. 1 and 2.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3602. The House refused to recede from its action in adopting House Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2685. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Representatives Matheny, Hill and Curtiss to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2685.

BURNEY T. DURHAM,
Chief Clerk.

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Senator Johnson moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 2685**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2685**

The Speaker announced the appointment of a Conference Committee composed of Senators Johnson, Chairperson; Ketron and Tate to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2685.

CALENDAR NO. 1

Senator Gresham moved that **Senate Bill No. 3234** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 966 -- Driver Licenses -- As introduced, extends from 10 days to two calendar weeks time period within which Department of Safety must notify licensing state and commercial driver license information system that commercial driver has violated traffic law; increases from 10 days to two weeks time in which clerk must notify Department of Conviction of commercial driver violating traffic law. Amends TCA Title 54 and Title 55.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-501, is amended by deleting in subdivision (a)(1) the language "or vehicular homicide" in its entirety.

SECTION 2. Tennessee Code Annotated, Section 55-50-501, is further amended by adding the following language to the end of the present language, before the punctuation ":", in subdivision (a)(1):

. In the case of a conviction for vehicular homicide, the department shall revoke the license for the period of time the court prohibited the person from driving a vehicle pursuant to § 39-13-213(c)(1)

SECTION 3. This act applies to any person who commits the offense of vehicular homicide on or after July 1, 2010. This act shall also apply to any person committing the offense of vehicular homicide prior to July 1, 2010, upon the person presenting proof satisfactory to the Department of Safety that the period of time the person was prohibited from driving by the court has expired.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 966**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 1141 -- Criminal Procedure -- As introduced, requires a keeper of a jail to notify the Department of Homeland Security by facsimile transmission or other means of prisoners whose citizenship status in this country cannot be determined at time of arrest from documents in the prisoner's possession or if person is in this country illegally. Amends TCA Title 40.

On motion, Senate Bill No. 1141 was made to conform with **House Bill No. 670**.

On motion, House Bill No. 670, on same subject, was substituted for Senate Bill No. 1141.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Beavers moved that Amendment No. 2 be placed at the heel of the Amendments, which motion prevailed.

Senator Beavers moved that Amendment No. 3 be placed at the heel of the Amendments, which motion prevailed.

Senator Barnes moved that Amendment No. 4 be placed at the heel of the Amendments, which motion prevailed.

Senator Barnes moved that Amendment No. 5 be placed at the heel of the Amendments, which motion prevailed.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 6

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding a new section thereto:

§ 40-7-123.

(a) When a person is arrested for any offense and is confined, for any period, in the jail of the county or any municipality, a reasonable effort to review documents in the possession of the prisoner shall be made to assess the citizenship status of such person. If the keeper of the jail cannot determine the lawful status of the prisoner from the documents in the possession of such prisoner or any other available information, or if it is determined that the person is not lawfully present in the United States, pursuant to the federal Immigration and Naturalization Act, compiled in 8 U.S.C § 1101, et seq., the keeper of the jail or other officer shall, within three (3) business days of the person's arrest, send a copy of the person's booking records to the appropriate field office of the Immigration and Customs Enforcement Detention and Removal Operations by facsimile transmission, electronic mail, or other appropriate means.

(b) The provisions of this section shall not apply to any county or municipality that has entered into or enters into a memorandum of understanding with the United States Department of Homeland Security concerning enforcement of federal immigration laws.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 6 was adopted.

On motion of Senator Tracy, Amendment No. 7 was withdrawn.

On motion of Senator Southerland, Amendment No. 8 was withdrawn.

Senator Finney moved that Amendment No. 9 be placed at the heel of the Amendments, which motion prevailed.

Senator Berke moved to amend as follows:

AMENDMENT NO. 10

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900) according to the 2000 federal census or any subsequent federal census.

On motion, Amendment No. 10 was adopted.

Senator Woodson moved to amend as follows:

AMENDMENT NO. 11

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than three hundred eighty-two thousand (382,000) nor more than three hundred eighty-two thousand one hundred (382,100) according to the 2000 federal census or any subsequent federal census.

On motion, Amendment No. 11 was adopted.

Senator Black moved that Amendment No. 12 be placed at the heel of the Amendments, which motion prevailed.

Senator Black moved that Amendment No. 13 be placed at the heel of the Amendments, which motion prevailed.

Senator Berke moved to amend as follows:

AMENDMENT NO. 14

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than twenty-seven thousand seven hundred (27,700) nor more than twenty-seven thousand eight hundred (27,800) according to the 2000 federal census or any subsequent federal census.

On motion, Amendment No. 14 was adopted.

Senator Yager moved that Amendment No. 15 be placed at the heel of the Amendments, which motion prevailed.

On motion of Senator Finney, Amendment No. 16 was withdrawn.

On motion of Senator Burks, Amendment No. 17 was withdrawn.

On motion of Senator Herron, Amendment No. 18 was withdrawn.

On motion of Senator Herron, Amendment No. 19 was withdrawn.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population in excess of eight hundred thousand (800,000) according to the 2000 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than:</u>	<u>nor more than:</u>
43,100	43,200
39,900	40,000
29,400	29,450
22,200	22,300
17,900	18,000
11,300	11,368

On motion, Amendment No. 3 was adopted.

Senator Barnes moved to amend as follows:

AMENDMENT NO. 4

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than 134,700 nor more than 134,800 according to the 2000 federal census or any subsequent federal census.

On motion, Amendment No. 4 was adopted.

Senator Barnes moved to amend as follows:

AMENDMENT NO. 5

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than:</u>	<u>nor more than:</u>
35,900	36,000
8,050	8,100

On motion, Amendment No. 5 was adopted.

Senator Finney moved to amend as follows:

AMENDMENT NO. 9

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
29,460	29,550
48,125	48,200
91,800	91,900

On motion, Amendment No. 9 was adopted.

Senator Black moved to amend as follows:

AMENDMENT NO. 12

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than fifty-four thousand four hundred (54,400) nor more than fifty-four thousand five hundred (54,500) according to the 2000 federal census or any subsequent federal census.

On motion, Amendment No. 12 was adopted.

Senator Black moved to amend as follows:

AMENDMENT NO. 13

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than one hundred thirty thousand four hundred (130,400) nor more than one hundred thirty thousand five hundred (130,500) according to the 2000 federal census or any subsequent federal census.

On motion, Amendment No. 13 was adopted.

Senator Yager moved to amend as follows:

AMENDMENT NO. 15

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than fifty-one thousand nine hundred (51,900) nor more than fifty-two thousand (52,000) according to the 2000 federal census or any subsequent federal census.

On motion, Amendment No. 15 was adopted.

On motion of Senator Jackson, Amendment No. 20 was withdrawn.

Senator Herron moved to amend as follows:

AMENDMENT NO. 21

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
16,500	16,575
11,700	11,800
25,450	25,550
31,100	31,200
7,900	7,970
32,400	32,500
7,600	7,700
34,800	34,900

Senator Gresham moved that **House Bill No. 670**, as amended, be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Berke moved that **Senate Bill No. 1444** be placed on the next Calendar, which motion prevailed.

Senator Bunch moved that **Senate Bill No. 2033** be placed on the next Calendar, which motion prevailed.

Senator Watson moved that **Senate Bill No. 2472** be placed on the next Calendar, which motion prevailed.

Senator Burks moved that **Senate Bill No. 2665** be placed on the next Calendar, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 2795** be moved three places down on Calendar No. 1 for today, which motion prevailed.

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Senator Norris moved that **Senate Bill No. 2810** be placed on the next Calendar, which motion prevailed.

Senator Norris moved that **Senate Bill No. 2811** be placed on the next Calendar, which motion prevailed.

Senator Faulk moved that **Senate Bill No. 3121** be placed on the next Calendar, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 2795** be moved to second from the heel of Calendar No. 1 for today, which motion prevailed.

Senator Overbey moved that **Senate Bill No. 3155** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 3624** be moved one place down on Calendar No. 1 for today, which motion prevailed.

Senator Yager moved that **House Bill No. 3149** be placed on the next Calendar, which motion prevailed.

Senator Gresham moved that **Senate Bill No. 3624** be moved two places down on Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 2795 -- Transportation, Dept. of -- As introduced, requires commissioner, when receiving certain federal transportation enhancement grant funding for acquisition of scenic or historic sites to contract with certain civil war preservation organizations for use of such funds. Amends TCA Title 4, Chapter 3, Part 23 and Title 9, Chapter 4, Part 51.

On motion, Senate Bill No. 2795 was made to conform with **House Bill No. 3041**.

On motion, House Bill No. 3041, on same subject, was substituted for Senate Bill No. 2795.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3041** passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

Senate Bill No. 3624 -- Highway Signs -- As introduced, "Veterans Memorial Highway", U.S. Highway 70A/79 in Crockett County.

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On motion, Senate Bill No. 3624 was made to conform with **House Bill No. 3924**.

On motion, House Bill No. 3924, on same subject, was substituted for Senate Bill No. 3624.

House Bill No. 3924 passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 670, AS AMENDED

Senator Gresham moved that **House Bill No. 670**, as amended, be placed on the next Calendar, which motion prevailed.

Senate Bill No. 3155 -- Boards and Commissions -- As introduced, enacts the "Tennessee Appraisal Management Company Registration and Regulation Act". Amends TCA Title 62, Chapter 39.

On motion, Senate Bill No. 3155 was made to conform with **House Bill No. 3191**.

On motion, House Bill No. 3191, on same subject, was substituted for Senate Bill No. 3155.

Senator Johnson moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3191** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

CALENDAR NO. 2

Senator Watson moved that **Senate Bill No. 2424** be placed on the next Calendar, which motion prevailed.

Senate Bill No. 2440 -- Sunset Laws -- As introduced, extends board of athletic trainers, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 24, Part 1.

Senator Norris declared Rule 13 on **Senate Bill No. 2440**.

On motion, Senate Bill No. 2440 was made to conform with **House Bill No. 2619**.

On motion, House Bill No. 2619, on same subject, was substituted for Senate Bill No. 2440.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-24-102, is amended by adding the following language as a new subsection (c) and by redesignating the subsequent subsections accordingly:

(c)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2619**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senate Bill No. 2443 -- Sunset Laws -- As introduced, extends the board of dietitian/nutritionist examiners, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 25, Part 1.

Senator Norris declared Rule 13 on **Senate Bill No. 2443**.

On motion, Senate Bill No. 2443 was made to conform with **House Bill No. 2592**.

On motion, House Bill No. 2592, on same subject, was substituted for Senate Bill No. 2443.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-25-106, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created the board of dietitian/nutritionist examiners to consist of five (5) members appointed by the governor, each of whom shall be a resident of this state and shall have had at least five (5) years' experience in the

actual practice or teaching of dietetics and/or nutrition. Appointments may be made from lists of nominees submitted to the governor by the Tennessee Dietetic Association, the Tennessee Hospital Association, and the Tennessee Medical Association, and shall represent such areas of practice as administrative dietetics, clinical dietetics, dietetic education, community nutrition and consultation and private practice. Each association submitting nominations may submit the names of two (2) nominees for each appointment or vacancy to be filled.

SECTION __. Tennessee Code Annotated, Section 63-25-106, is further amended by adding the following language as a new subsection (b) and by redesignating present subsection (b) and all subsequent subsections accordingly:

(b)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in

accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2592**, as amended, passed its third and final consideration by the following vote:

Ayes	20
Noes	5

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Finney, Ford, Haynes, Henry and Jackson--5.

A motion to reconsider was tabled.

Senate Bill No. 2445 -- Sunset Laws -- As introduced, extends the board of examiners for nursing home administrators, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 16, Part 1.

Senator Norris declared Rule 13 on **Senate Bill No. 2445**.

On motion, Senate Bill No. 2445 was made to conform with **House Bill No. 2594**.

On motion, House Bill No. 2594, on same subject, was substituted for Senate Bill No. 2445.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-16-102, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created the board of examiners for nursing home administrators which shall consist of eight (8) members to be appointed by the governor as follows:

(1) Four (4) members shall be representatives of the nursing home industry, three (3) of whom may be appointed from a list of nominees submitted to the governor by the Tennessee Health Care Association, and one (1) of whom shall be a nursing home administrator who may be appointed from a list of nominees submitted by the Tennessee Hospital Association;

(2) One (1) member shall be a hospital administrator who may be appointed from a list of nominees submitted by the Tennessee Hospital Association;

(3) One (1) member shall be a physician who may be appointed from a list of physician nominees submitted by the Tennessee Medical Association;

(4) One (1) member shall be a nurse representative who may be appointed from a list of nominees submitted by the Tennessee Nurses Association; and

(5) One (1) member shall be a consumer representative with no direct or indirect affiliation with the nursing home industry.

SECTION __. Tennessee Code Annotated, Section 63-16-102, is further amended by deleting subdivision (b)(1) in its entirety and by substituting instead the following:

(b)(1) Each member shall serve for three (3) years, except that initially three (3) members shall be appointed for a term of three (3) years, three (3) members for a term of two (2) years, and two (2) members for a term of one (1) year. At the expiration of a member's term, each organization named in subsection (a) may submit three (3) additional nominees to the governor for appointment to that vacancy. Any vacancy occurring on the board prior to the expiration of a member's term may be filled by the governor for the unexpired term from a list of three (3) nominees submitted by the organization for the classification in which the vacancy occurred.

SECTION __. Tennessee Code Annotated, Section 63-16-102, is further amended by adding the following language immediately preceding subsection (e) and by redesignating all subsequent subsections accordingly:

(e)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall

apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(f) In addition to all other requirements for membership on the board, all persons appointed or otherwise named to serve as members of the board after July 1, 2010, shall be residents of this state.

SECTION __. The provision in this act prohibiting a consumer who has a direct or indirect affiliation with the nursing home industry from serving on the board shall apply to all consumer member appointments made to the board after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2594**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	1

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Henry, Jackson, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--22.

Senator voting no was: Haynes--1.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 2449** be placed on the next Calendar, which motion prevailed.

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Senator Watson moved that **Senate Bill No. 2451** be placed on the next Calendar, which motion prevailed.

Senate Bill No. 2453 -- Sunset Laws -- As introduced, extends board of respiratory care, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 27.

Senator Norris declared Rule 13 on **Senate Bill No. 2453**.

On motion, Senate Bill No. 2453 was made to conform with **House Bill No. 2618**.

On motion, House Bill No. 2618, on same subject, was substituted for Senate Bill No. 2453.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

() Board of respiratory care, created by § 63-27-103;

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-27-103, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The board shall be composed of four (4) members who are respiratory care practitioners holding a credential from the National Board for Respiratory Care, at least two (2) of whom shall be registered respiratory therapists; one (1) member who is a currently practicing physician having expertise in pulmonary medicine; one (1) member who is a hospital administrator; one (1) member who is a hospital employee licensed as a registered respiratory therapist; and one (1) citizen member who is not commercially or professionally associated with the healthcare field, either directly or indirectly.

SECTION __. Tennessee Code Annotated, Section 63-27-103, is further amended by adding the following language as a new subsection (d) and by redesignating present subsection (d) and all subsequent subsections accordingly:

(d)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. Tennessee Code Annotated, Section 63-27-103(n), is amended by deleting the last sentence in its entirety and by substituting instead the following:

The board may consult with respiratory care professional organizations in the development of any additional regulations.

SECTION __. The provision in this act prohibiting a citizen who is directly or indirectly associated with the healthcare field from serving on the board shall apply to all citizen member appointments made to the board after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2618**, as amended, passed its third and final consideration by the following vote:

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Ayes 22
Noes 2

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Haynes and Henry--2.

A motion to reconsider was tabled.

Senate Bill No. 2455 -- Sunset Laws -- As introduced, extends the committee for clinical perfusionists, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 28.

Senator Norris declared Rule 13 on **Senate Bill No. 2455**.

On motion, Senate Bill No. 2455 was made to conform with **House Bill No. 2606**.

On motion, House Bill No. 2606, on same subject, was substituted for Senate Bill No. 2455.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

() Committee for clinical perfusionists, created by § 63-28-112;

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-28-112, is amended by deleting subsections (a) and (b) in their entireties and by substituting instead the following:

(a) To assist the board of medical examiners in the performance of its duties, there is hereby established the committee for clinical perfusionists, composed of seven (7) members who are each appointed by the governor. The committee shall approve the examination required by this chapter. The chair of the committee shall be a perfusionist.

(b) The committee shall consist of four (4) perfusionist members, one (1) hospital administrator from a licensed healthcare facility in Tennessee in which cardiac surgery is performed, one (1) licensed physician who shall be either a cardiac surgeon or a cardiac anesthesiologist, and one (1) public member. The public member shall be a resident of Tennessee for one (1) year and shall be a registered voter. The public member shall be a person who is not and never was a member of any medical profession or the spouse of a medical professional. The public member shall not be a member of, or a consultant to, any trade association in the field of health care. The public member shall not have or have had a material financial interest in either the provision of professional services specified by this chapter, or any activity or organization directly or indirectly related to any licensed profession specified in this chapter. Members may be appointed by the governor upon recommendation by the committee for clinical perfusionists. The members of the committee shall be appointed for terms of six (6) years, except those first appointed, of whom one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, two (2) shall be appointed for a term of three (3) years, one (1) shall be appointed for a term of four (4) years, one (1) shall be appointed for a term of five (5) years and one (1) shall be appointed for a term of six (6) years. The perfusionist committee members shall be residents of the State of Tennessee for at least one (1) year, shall be United States citizens and shall meet all the requirements for licensing provided in this chapter. In making appointments to the committee, the governor shall ensure that the committee is representative of the environments in which perfusionists practice. The hospital administrator member and the physician member shall be residents of Tennessee. In making appointments to the committee, the governor shall strive to ensure that at least one (1) person serving on the committee is sixty (60) years of age or older and that at least one (1) person serving on the committee is a member of a racial minority. Of the total membership of the committee, no less than two (2) members shall be from each grand division of the state. In making the initial appointments to the committee, the perfusionist members shall not be required to be licensed but shall apply for a license from the committee within ninety (90) days of the issuance of licenses by the committee.

SECTION __. Tennessee Code Annotated, Section 63-28-112, is further amended by adding the following language as a new subsection (c) and by redesignating present subsection (c) and all subsequent subsections accordingly:

(c)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the committee:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the committee shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the committee, prior to serving as a member of the committee. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010;

(B) No person who is a member of the committee shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the committee during such person's period of service as a member of the committee. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010, and to all persons serving on the committee on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the committee shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the committee for one (1) year following the date such person's service on the committee ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the committee as of July 1, 2010, and to persons appointed to the committee subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. The provisions in this act which prohibit a member of the public with a material financial interest in any activity or organization indirectly related to any licensed profession specified in Title 63, Chapter 28, from serving on the committee and which require the hospital administrator and physician members to be residents of Tennessee shall apply to all appointments made to the committee after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2606**, as amended, passed its third and final consideration by the following vote:

Ayes	21
Noes	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bunch, Burchett, Burks, Gresham, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

Senator voting no were: Haynes--1.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

Senate Bill No. 2456 -- Sunset Laws -- As introduced, extends the council for hearing instrument specialists, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 17.

Senator Norris declared Rule 13 on **Senate Bill No. 2456**.

On motion, Senate Bill No. 2456 was made to conform with **House Bill No. 2605**.

On motion, House Bill No. 2605, on same subject, was substituted for Senate Bill No. 2456.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-17-202, is amended by deleting subdivision (b)(1) in its entirety and by substituting instead the following:

(b)(1) The council shall consist of five (5) members, to be appointed by the governor. Such members shall possess the following qualifications:

(A) Three (3) members shall be qualified hearing instrument specialists and fitters of hearing instruments who have been duly licensed as such in Tennessee, and who are certified by the National Board for Certification — Hearing Instrument Sciences. Such members may be appointed from a list of qualified nominees submitted by the Tennessee Hearing Aid Society;

(B) One (1) member shall be a physician who has been duly licensed to practice medicine in Tennessee, and who has received certification from the American Council of Otolaryngology. Such member may be appointed from a list of nominees submitted by the Tennessee Medical Association; and

(C) One (1) member shall be a person who has been a user of hearing instruments for a period of at least five (5) years preceding that person's appointment to the council, who shall never have been engaged in the practice of hearing instrument dispensing and fitting, audiology or medicine, and who has no direct or indirect affiliation with the hearing instrument profession or industry.

SECTION __. Tennessee Code Annotated, Section 63-17-202, is further amended by adding the following language immediately preceding subdivision (b)(2) and by redesignating all subsequent subdivisions accordingly:

(b)(2) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the council:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the council shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the council, prior to serving as a member of the council. The provisions of this subdivision (3)(A) shall apply to all persons appointed or otherwise named to the council after July 1, 2010;

(B) No person who is a member of the council shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the council during such person's period of service as a member of the council. The provisions of this subdivision (3)(B) shall apply to all persons appointed or otherwise named to the council after July 1, 2010, and to all persons serving on the council on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the council shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the council for one (1) year following the date such person's service on the council ends. The provisions of this subdivision (3)(C) shall apply to persons serving on the council as of July 1, 2010, and to persons appointed to the council subsequent to such date.

(4) A person who violates the provisions of subdivision (3) shall be subject to the penalties prescribed in Title 3, Chapter 6. The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of subdivision (3). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(5) In addition to all other requirements for membership on the council, all persons appointed or otherwise named to serve as members of the council after July 1, 2010, shall be residents of this state.

SECTION __. The provision in this act prohibiting a person with any direct or indirect affiliation with the hearing instrument profession or industry from serving on the council shall apply to all appointments of such persons made to the council after July 1, 2010.

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On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2605**, as amended, passed its third and final consideration by the following vote:

Ayes	21
Noes	2
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Haynes and Henry--2.

Senator present and not voting was: Jackson--1.

A motion to reconsider was tabled.

Senate Bill No. 2457 -- Sunset Laws -- As introduced, extends council of certified professional midwifery, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 29.

Senator Norris declared Rule 13 on **Senate Bill No. 2457**.

On motion, Senate Bill No. 2457 was made to conform with **House Bill No. 2603**.

On motion, House Bill No. 2603, on same subject, was substituted for Senate Bill No. 2457.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-29-103, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) Members shall consist of three (3) certified professional midwives, one (1) consumer who has no direct or indirect affiliation with the midwifery profession or industry, one (1) certified nurse midwife, and one (1) physician.

SECTION __. Tennessee Code Annotated, Section 63-29-103, is amended by adding the following language as a new subsection (e) and by redesignating present subsection (e) as subsection (f):

(e)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the council:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the council shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the council, prior to serving as a member of the council. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the council after July 1, 2010;

(B) No person who is a member of the council shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the council during such person's period of service as a member of the council. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the council after July 1, 2010, and to all persons serving on the council on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the council shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the council for one (1) year following the date such person's service on the council ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the council as of July 1, 2010, and to persons appointed to the council subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. The provision in this act prohibiting a consumer who has a direct or indirect affiliation with the midwifery profession or industry from serving on the council shall apply to all consumer appointments made to the council after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2603**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	1

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Woodson, Yager and Mr. Speaker Ramsey--22.

Senator voting no was: Haynes--1.

A motion to reconsider was tabled.

Senate Bill No. 2458 -- Sunset Laws -- As introduced, extends council on children's mental health care, June 30, 2014. Amends TCA Title 4, Chapter 29, Part 2 and Title 37, Chapter 3, Part 1.

Senator Norris declared Rule 13 on **Senate Bill No. 2458**.

On motion, Senate Bill No. 2458 was made to conform with **House Bill No. 2471**.

On motion, House Bill No. 2471, on same subject, was substituted for Senate Bill No. 2458.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 37-3-111(d), is amended by deleting subdivisions (1) and (2) in their entireties and by substituting instead the following:

(1) Four (4) parents of children who have received mental health services from a state agency or other provider. Such persons may be chosen from nominations received from representatives of statewide organizations that advocate for or serve children's mental health needs, that provide for representation from each of the three (3) grand divisions of the state and from both urban and rural areas;

(2) Two (2) persons who are under twenty-four (24) years of age and who are receiving or have received mental health services from a state agency or other provider. Such persons may be chosen from nominations received from representatives of statewide organizations that advocate for or serve children's mental health needs;

SECTION __. Tennessee Code Annotated, Section 37-3-111, is amended by adding the following new subsections immediately preceding subsection (e) and by redesignating present subsection (e) and all subsequent subsections accordingly:

(e)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the council:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the council shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the council, prior to serving as a member of the council. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the council after July 1, 2010;

(B) No person who is a member of the council shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the council during such person's period of service as a member of the council. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the council after July 1, 2010, and to all persons serving on the council on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the council shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the council for one (1) year following the date such person's service on the council ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the council as of July 1, 2010, and to persons appointed to the council subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103; and

(f) All persons appointed or otherwise named to serve as members of the council after July 1, 2010, shall be residents of this state.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2471**, as amended, passed its third and final consideration by the following vote:

Ayes	21
Noes	2

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Jackson, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Haynes and Henry--2.

A motion to reconsider was tabled.

Senate Bill No. 2459 -- Sunset Laws -- As introduced, extends emergency medical services board, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140.

Senator Norris declared Rule 13 on **Senate Bill No. 2459**.

On motion, Senate Bill No. 2459 was made to conform with **House Bill No. 2602**.

On motion, House Bill No. 2602, on same subject, was substituted for Senate Bill No. 2459.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

() Emergency medical services board, created by § 68-140-503;

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 68-140-503(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The members of the board shall be appointed by the governor, who may appoint such members in the following manner:

(1) Two (2) licensed physicians, who may be selected from a list of nominees presented by the Tennessee Medical Association;

(2) One (1) registered nurse, who may be selected from a list of nominees presented by the Tennessee Nurses Association;

(3) One (1) hospital administrator, who may be selected from a list of nominees presented by the Tennessee Hospital Association;

(4) One (1) member who maintains certification or licensure as an EMT, EMT-P, registered nurse, or physician and who is also affiliated with a volunteer nonprofit ambulance service;

(5) Two (2) operators of ambulance services, each of whom maintains certification as an EMT or EMT-P, who may be selected from a list of nominees presented by the Tennessee Ambulance Services Association;

(6) One (1) rescue squad member, who may be selected from a list of nominees presented by the Tennessee Association of Rescue Squads who maintains certification as an EMT or EMT-P;

(7) One (1) professional firefighter member who may be selected from a list of nominees presented by the Tennessee Professional Firefighters Association, who maintains certification as an EMT-P, EMT, or registered nurse;

(8) One (1) member who may be selected from a list of nominees presented by the Tennessee Civil Defense Association, who maintains certification as an EMT or EMT-P;

(9) Two (2) officials of county, municipal or metropolitan governments which operate ambulance services; and

(10) One (1) paramedic instructor from an accredited paramedic program licensed in this state.

SECTION __. Tennessee Code Annotated, Section 68-140-503, is further amended by adding the following language as a new subsection (c) and by redesignating present subsection (c) and all subsequent subsections accordingly:

(c)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. Tennessee Code Annotated, Section 68-140-503, is further amended by deleting present subdivision (c)(2)(A)(iv) in its entirety and by substituting instead the following:

(A)(iv) One (1) member shall be an at-large member and shall reside in this state.

SECTION __. The provision in this act which requires a person to be a resident of this state shall apply to all at-large member appointments made to the board after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2602**, as amended, passed its third and final consideration by the following vote:

Ayes	21
Noes	2
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Haynes and Henry--2.

Senator present and not voting was: Jackson--1.

A motion to reconsider was tabled.

Senate Bill No. 2461 -- Sunset Laws -- As introduced, extends the massage licensure board, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 18.

Senator Norris declared Rule 13 on **Senate Bill No. 2461**.

On motion, Senate Bill No. 2461 was made to conform with **House Bill No. 2617**.

On motion, House Bill No. 2617, on same subject, was substituted for Senate Bill No. 2461.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-18-103, is amended by deleting subdivision (d) in its entirety and by substituting instead the following:

(d) Except for two (2) members who shall be citizen members with no direct or indirect financial interest in massage, all board members shall be duly licensed or eligible to be licensed by the board.

SECTION __. Tennessee Code Annotated, Section 63-18-103, is further amended by adding the following language as a new subsection (e) and by redesignating present subsection (e) and all subsequent subsections accordingly:

(e)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection.

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All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. The provision in this act prohibiting citizens who have a direct or indirect financial interest in massage from serving on the board shall apply to all citizen member appointments made to the board after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2617**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	1
Present, not voting . . .	2

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Henry, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--22.

Senator voting no was: Haynes--1.

Senators present and not voting were: Finney and Jackson--2.

A motion to reconsider was tabled.

Senate Bill No. 2462 -- Sunset Laws -- As introduced, extends the polysomnographic professional standards committee, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 31.

Senator Norris declared Rule 13 on **Senate Bill No. 2462**.

On motion, Senate Bill No. 2462 was made to conform with **House Bill No. 2616**.

On motion, House Bill No. 2616, on same subject, was substituted for Senate Bill No. 2462.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-31-103(c), is amended by deleting subdivision (5) in its entirety and by substituting instead the following:

(5) One (1) consumer member who is not commercially or professionally associated with the healthcare field, either directly or indirectly.

SECTION __. Tennessee Code Annotated, Section 63-31-103, is amended by adding the following language as a new subsection (d) and by redesignating present subsection (d) and all subsequent subsections accordingly:

(d)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the committee:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the committee shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the committee, prior to serving as a member of the committee. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010;

(B) No person who is a member of the committee shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the committee during such person's period of service as a member of the committee. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010, and to all persons serving on the committee on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the committee shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the committee for one (1) year following the date such person's service on the committee ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the committee as of July 1, 2010, and to persons appointed to the committee subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

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SECTION _____. The provision in this act prohibiting a consumer who is directly or indirectly associated with the healthcare field from serving on the committee shall apply to all consumer member appointments made to the committee after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2616**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	1
Present, not voting . . .	2

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Henry, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--22.

Senator voting no was: Haynes--1.

Senators present and not voting were: Finney and Jackson--2.

A motion to reconsider was tabled.

Senate Bill No. 2463 -- Sunset Laws -- As introduced, extends the Tennessee advisory committee for acupuncture, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 6, Part 10.

Senator Norris declared Rule 13 on **Senate Bill No. 2463**.

On motion, Senate Bill No. 2463 was made to conform with **House Bill No. 2612**.

On motion, House Bill No. 2612, on same subject, was substituted for Senate Bill No. 2463.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

() Tennessee advisory committee for acupuncture created by § 63-6-1003;

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-6-1003, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The committee shall consist of five (5) members appointed by the governor. Three (3) of the members shall be certified acupuncturists, one (1) shall be an ADS practicing in Tennessee; and one (1) shall be a consumer member who is neither employed in nor has any other direct or indirect affiliation with the healthcare profession or industry. The three (3) acupuncturists initially appointed need not be certified at the time of their appointments, but must meet all the qualifications for certification.

SECTION __. Tennessee Code Annotated, Section 63-6-1003, is further amended by adding the following language immediately preceding subsection (c) and by redesignating all subsequent subsections accordingly:

(c)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the committee:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the committee shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the committee, prior to serving as a member of the committee. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010;

(B) No person who is a member of the committee shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the committee during such person's period of service as a member of the committee. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010, and to all persons serving on the committee on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the committee shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the committee for one (1) year following the date such person's service on the committee ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the committee as of July 1, 2010, and to persons appointed to the committee subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the

Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(d) In addition to all other requirements for membership on the committee, all persons appointed or otherwise named to serve as members of the committee after July 1, 2010, shall be residents of this state.

SECTION __. The provision in this act prohibiting a consumer with any other direct or indirect affiliation with the healthcare profession or industry from serving on the committee shall apply to all consumer member appointments made to the committee after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2612**, as amended, passed its third and final consideration by the following vote:

Ayes	24
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--24.

Senator present and not voting was: Finney--1.

A motion to reconsider was tabled.

Senate Bill No. 2464 -- Sunset Laws -- As introduced, extends the Tennessee medical laboratory board, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 29.

Senator Norris declared Rule 13 on **Senate Bill No. 2464**.

On motion, Senate Bill No. 2464 was made to conform with **House Bill No. 2610**.

On motion, House Bill No. 2610, on same subject, was substituted for Senate Bill No. 2464.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

() Tennessee medical laboratory board, created by § 68-29-109;

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 68-29-109(b), is amended by deleting subdivision (13) in its entirety and by substituting instead the following:

(13) A private citizen consumer, who has no direct or indirect affiliation with the medical profession or industry, to represent the public interest (July 1, 1996).

SECTION __. Tennessee Code Annotated, Section 68-29-109, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) The members of the board may be selected from a list of nominees submitted to the governor from the professional organizations listed below. Organizations shall submit names only for the categories designated.

(1) The following organizations may submit three (3) names for each appointment in the categories listed:

(A) Tennessee Medical Association, in consultation with the Tennessee Society of Pathologists, giving due regard to geographic distribution — pathologist members;

(B) Tennessee Medical Association — non-pathologist physician member; and

(C) Tennessee Hospital Association — hospital administrator member and hospital laboratory manager/administrative director member.

(2) All organizations listed in this subsection (d) may submit one (1) name each for the independent laboratory representative.

(3) The following organizations may submit one (1) name each for each appointment of members listed in subsection (b), with the exception of the pathologists, non-pathologist physician, and hospital administrator:

(A) Tennessee Society for Medical Technology;

(B) Tennessee State Society of American Medical Technologists;

(C) Tennessee chapter — Clinical Laboratory Management Association;

(D) Tennessee Association of Blood Banks; and

(E) Tennessee chapter — Southern Association for Clinical Microbiology.

(4) Lists of nominees shall be submitted at least forty-five (45) days prior to the expiration of the term of office of any member.

SECTION __. Tennessee Code Annotated, Section 68-29-109, is further amended by adding the following language as a new subsection (e) and by redesignating present subsection (e) and all subsequent subsections accordingly:

(e)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

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SECTION _____. The provision in this act prohibiting a private citizen consumer with a direct or indirect affiliation with the medical profession or industry from serving on the board shall apply to all private citizen consumer member appointments made to the board after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2610**, as amended, passed its third and final consideration by the following vote:

Ayes	23
Noes	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--23.

Senator voting no was: Haynes--1.

Senator present and not voting was: Finney--1.

A motion to reconsider was tabled.

Senate Bill No. 2467 -- Sunset Laws -- As introduced, extends Tennessee medical examiner advisory council, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 38, Chapter 7, Part 2.

Senator Norris declared Rule 13 on **Senate Bill No. 2467**.

On motion, Senate Bill No. 2467 was made to conform with **House Bill No. 2462**.

On motion, House Bill No. 2462, on same subject, was substituted for Senate Bill No. 2467.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

() Tennessee medical examiner advisory council, created by § 38-7-201;

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 38-7-201(a), is amended by deleting the language "and one (1) public citizen to the council" and by substituting instead the language "and one (1) public citizen who has no direct or indirect affiliation with the medical profession or industry, to the council".

SECTION __. Tennessee Code Annotated, Section 38-7-201, is amended by adding the following language as a new subsection (b) and by redesignating present subsection (b) and all subsequent subsections accordingly:

(b)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the council:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the council shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the council, prior to serving as a member of the council. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the council after July 1, 2010;

(B) No person who is a member of the council shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors or professional activities are regulated by the council during such person's period of service as a member of the council. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the council after July 1, 2010, and to all persons serving on the council on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the council shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the council for one (1) year following the date such person's service on the council ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the council as of July 1, 2010, and to persons appointed to the council subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in

accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. The provision in this act prohibiting a public citizen having a direct or indirect affiliation with the medical profession or industry from serving on the council shall apply to all public citizen member appointments made to the council after July 1, 2010.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2462**, as amended, passed its third and final consideration by the following vote:

Ayes	23
Noes	0

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--23.

A motion to reconsider was tabled.

House Bill No. 2455 -- Sunset Laws -- As introduced, extends state board for licensing contractors, June 30, 2014. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 6.

Senator Watson moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 62-6-104, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-6-104.

(a)(1) There is created a state board for licensing contractors, called the "board" in this part, to be appointed by the governor. The board shall be composed of nine (9) members, all of whom shall be residents of this state and at least three (3) of whom shall be actively engaged as residential contractors and shall compose the residential review board to consider and handle all informal conferences pertaining to residential construction, at least two (2) of whom shall be actively engaged as commercial building contractors, at least one (1) of whom shall be actively engaged as a mechanical contractor, at least one (1) of whom shall be actively engaged as an electrical contractor, at least one (1) of whom shall be actively engaged as a highway, railroad or

airport contractor, and at least one (1) of whom shall be a person who is not engaged as a contractor in any county of this state and has no commercial or professional association with the residential contracting profession or industry, either directly or indirectly. All board members who are required to be in the business of contracting shall have been actively engaged in the business for a period of no less than ten (10) years immediately preceding their appointment and shall be licensed in the classification in which the member is serving upon the board. There shall be no more than one (1) board member in any specific classification provided in this subdivision (a)(1) residing within any one (1) grand division of this state and no more than three (3) board members residing in any one (1) grand division. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(2) For each member appointed to the board who is a residential contractor, the Home Builders Association of Tennessee, Inc., may submit a list of recommended persons to the governor; and the governor may consult with the Home Builders Association of Tennessee, Inc., about its recommendations before making any such appointment. Appointments made pursuant to this subdivision (a)(2) shall be made by the governor at the expiration of the respective terms of the members presently serving on the board.

(b) Any member of the board who fails to attend at least two thirds (2/3) of the regularly scheduled meetings of the board shall automatically be removed from the board and a successor member shall be appointed by the governor in the way and manner provided by this part.

(c) All subsequent appointments of successor members shall be made by the governor at the expiration of the respective terms of the members in the way and manner provided by this part.

(d)(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of Title 3, Chapter 6, who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to Title 3, Chapter 6, for any entity whose business endeavors

or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010, and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in Title 3, Chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. The provision of this act which prohibits persons who are not engaged as contractors in any county of this state from serving on the board due to such person having a direct or indirect association with the residential contracting profession shall apply to all such member appointments made to the board after July 1, 2010.

On motion, Amendment No. 2 was adopted.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2455**, as amended, passed its third and final consideration by the following vote:

Ayes	23
Noes	2

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Gresham, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--23.

Senators voting no were: Finney and Haynes--2.

A motion to reconsider was tabled.

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

MOTION

Senator Kyle moved that Rule 83(8) be suspended for the next two legislative days to provide for the publication of any calendar for the Committee on Finance, Ways and Means twenty-four hours prior to consideration of said calendar, which motion prevailed.

MOTION

Senator Norris moved that the Proposed Schedule for the week of May 17, 2010, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
106th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MAY 17, 2010**

MONDAY – May 17

11:30 a.m. – 5:00 p.m.	Finance, Ways & Means Committee (Budget Sub and Tax Sub will meet immediately following)
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TUESDAY – May 18

9:00 a.m. – 12:00 noon	Finance, Ways & Means Committee (Budget Sub and Tax Sub will meet immediately following)
12:00 noon – 1:30 p.m.	Lunch
1:30 p.m. – 5:00 p.m.	Finance, Ways & Means Committee (Budget Sub and Tax Sub will meet immediately following)

WEDNESDAY – May 19

To Be Announced

THURSDAY – May 20

To Be Announced

OTHER MEETINGS: Government Operations Commerce, Labor & Transportation Joint Subcommittee, Monday, May 17, 2010, at 1:30 p.m., Room 12 LP.

MOTION

On motion of Senators Tracy and Black, their names were added as sponsors of **Senate Bill No. 3740; and Senate Joint Resolutions Nos. 1144, 1145, 1146, 1149 and 1168.**

On motion of Senator McNally, his name was added as sponsor of **Senate Joint Resolution No. 1147.**

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

On motion of Senators Tracy and Beavers, their names were added as sponsors of **Senate Joint Resolution No. 1150**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Joint Resolutions Nos. 1151, 1153 and 1167**.

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 2621; and Senate Joint Resolutions Nos. 1154 and 1155**.

On motion of Senator Yager, his name was added as sponsor of **Senate Joint Resolution No. 1162**.

On motion of Senators Herron, Finney, Barnes, Gresham, Harper, Haynes, Johnson, Jackson, Norris, Ketron, Tracy, Ford, Kelsey, Kyle, Marrero, Tate, Black, Berke, Bunch, Burchett, Burks, Crowe, Faulk, Overbey, Southerland, Stewart, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 3687**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 3345**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 3380, 3411 and 3526**.

On motion of Senator Black, her name was added as sponsor of **Senate Bills Nos. 966, 3191 and 3524**.

On motion of Senator Faulk, his name was added as sponsor of **Senate Bill No. 3549**.

On motion of Senators Gresham and Black, their names were added as sponsors of **Senate Bill No. 3753**.

On motion of Senators Gresham, Johnson, Tracy, Beavers and Black, their names were added as sponsors of **Senate Joint Resolution No. 860**.

On motion of Senator Finney, his name was added as sponsor of **Senate Bill No. 3039**.

On motion of Senators Beavers, Tracy, Southerland, Watson, Crowe, Mr. Speaker Ramsey and Senators Johnson and Ketron, their names were added as sponsors of **Senate Bill No. 1141**.

On motion of Mr. Speaker Ramsey, his name was added as sponsor of **Senate Bill No. 2795**.

On motion of Senators Harper, Haynes, Henry and Johnson, their names were added as sponsors of **Senate Bill No. 1552**.

On motion of Senators Beavers and Black, their names were added as sponsors of **House Joint Resolutions Nos. 1260, 1261, 1262, 1263 and 1264**.

On motion of Senator Ford, her name was removed as sponsor of **Senate Bills Nos. 2424, 2430, 2440, 2443, 2445, 2449, 2451, 2453 and 2455**.

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

On motion of Senator Jackson, his name was added as sponsor of **Senate Joint Resolutions Nos. 1073 and 1192**.

On motion of Senator Henry, his name was added as prime sponsor of **Senate Bill No. 3687**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 1156 and 1194**.

On motion of Senator Gresham, her name was added as sponsor of **Senate Bills Nos. 63, 194, 3335, 3621 and 3699; and House Joint Resolutions Nos. 807, 1193, 1194, 1195 and 1196**.

ENGROSSED BILLS

May 13, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 966, 2704, 3363, 3428, 3447, 3524, 3538, 3678 and 3687; and Senate Joint Resolutions Nos. 860, 1141, 1142, 1144, 1145, 1146, 1147, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1192 and 1194; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 13, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1198, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 209, 2187, 3136, 3191, 3380, 3438, 3598, 3601 and 3788; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3995, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 917, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1254, 1255, 1256, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269 and 1270; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 820, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1289, 1290, 1291 and 1292, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1743 and 3304, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2416, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3439, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2908, 3410, 3686 and 3693; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2804 and 3267, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3164, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1143, 1159 and 1160; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1192 and 1194, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 1198, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

May 12, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 3806, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

ENROLLED BILLS

May 12, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 1143, 1159 and 1160; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

May 13, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 220, 221 and 222; and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

May 14, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 1552, 1678, 1743, 2416, 2804, 2908, 2982, 2983, 3053, 3164, 3191, 3267, 3304, 3410, 3439, 3686 and 3693; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

May 14, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 1192, 1194 and 1198; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 12, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2367, 2506, 2507, 2703, 2780, 3153, 3164 and 3196; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 13, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1260, 1261, 1262, 1263, 1264, 1268 and 1271; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

May 12, 2010

The Speaker announced that he had signed the following: Senate Bills Nos. 2205, 2341, 2712, 2928, 2965, 3161, 3361, 3430, 3457, 3608, 3622, 3627 and 3824.

SIGNED

May 12, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 1143, 1159 and 1160.

SIGNED

May 12, 2010

The Speaker announced that he had signed the following: House Bills Nos. 195, 1242, 1277, 2698, 2700, 3225, 3267, 3314, 3605, 3773, 3892 and 3957.

SIGNED

May 13, 2010

The Speaker announced that he had signed the following: Senate Bill No. 3806.

SIGNED

May 13, 2010

The Speaker announced that he had signed the following: Senate Resolutions Nos. 220, 221 and 222.

SIGNED

May 13, 2010

The Speaker announced that he had signed the following: House Bills Nos. 2367, 2506, 2507, 2703, 2780, 3153, 3164 and 3196.

SIGNED

May 13, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1260, 1261, 1262, 1263, 1264, 1268 and 1271.

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

SIGNED
May 14, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 1192, 1194 and 1198.

MESSAGE FROM THE HOUSE
May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2205, 2341, 2712, 2928, 2965, 3161, 3361, 3430, 3457, 3608, 3622 and 3627; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1143, 1159 and 1160; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 14, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1192, 1194 and 1198; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 13, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 3528, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 14, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 769, 1075, 2023, 2205, 2341, 2581, 2712, 2928, 2965, 3002, 3144, 3161, 3246, 3257, 3361, 3421, 3425, 3430, 3457, 3608, 3622, 3627, 3789 and 3819; and Senate Joint Resolutions Nos. 1143, 1159, 1160, 1192, 1194 and 1198; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

THURSDAY, MAY 13, 2010 -- 87TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

May 12, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 761, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 13, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 3528, with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 1:00 p.m., Monday, May 24, 2010, which motion prevailed.